

Amendments Table of Contents

Amendment 3961 -- Report on the Scope and Cost of Federal Land Occupation

Amendment 3962 -- Requires citizen consent of government land grabs

Amendment 3963 -- Requires voter approval of government land grabs

Amendment 3964 -- Requires citizens to be notified if their homes or property are included in a National Heritage Area

Amendment 3965 -- Ensures no adverse effect of National Heritage Area designation on local communities and home owners

Amendment 3966 -- Offsets costs of the bill by selling and disposing unused and unneeded federal property

Amendment 3967 -- Protects the right of law abiding citizens to carry guns in national parks

Amendment 3968 -- Prohibits federal commission members from having conflicts of interest, holding secret meetings, and recommending increased costs to taxpayers

Amendment 3961 – Requires an annual report detailing the amount of property the federal government owns and the cost of government land ownership to taxpayers

This amendment would require the government to publicly disclose the amount of land that it owns, as well as the cost to maintain it.

Each year, the Office of Management and Budget would be required to issue a public report detailing federal land ownership.

The report would specifically include:

- The total amount of land in the United States;
- The total amount of land owned by the federal government;
- The percentage of all U.S property controlled by the federal government.
- The total cost of operating and maintaining federal real property, including land, buildings and structures;
- A list of all federal property that is either unused or vacant; and
- The estimated cost of the maintenance backlog at each federal agency.

This information will provide greater transparency for taxpayers regarding the size of government land consumption and a better understanding of the cost of government occupation.

It will also provide greater accountability for the maintenance needs of our nation's most precious natural treasures and the costs of expanding government land ownership—in terms of financial costs to taxpayers and the consequences of diverting resources from existing properties.

This information would be particularly important for lawmakers when Congress debates or votes upon legislation, such as S. 2483, that expands government land ownership without first addressing the needs of existing property.

The Federal Government Does Not Currently Disclose The Amount Or Cost Of Property It Occupies

There are no requirements under current law to require public disclosure of the amount of land controlled by the federal government or the cost of such occupation to the taxpayers.

President George W. Bush, however, did issue Executive Order 13327 in 2004 to require that some of this information be made publicly available.¹

The President stated that his intention in issuing the Executive Order was to “assure management accountability” of federal properties.

While the President’s directive required the Office of Management and Budget to release an annual report giving a high-level picture of federal property ownership, between fiscal years 2004 and 2005, the government decided to stop releasing information on public domain lands.²

The effect of this decision was to halt the reporting of information on nearly 90 percent of all lands owned by the federal government.

This amendment would legally require the government to release information on **all** of the land it owns and how much it costs to maintain. Most significantly, it would require the government to track the growth in federal land ownership around the country.

Governments track the property that individuals own. The government, therefore, should disclose the same information about its land holdings to the taxpayers who are paying to maintain the property.

Federal Land Ownership Continues to Grow

¹ http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentType=GSA_BASIC&contentId=16911&noc=T

² http://www.gsa.gov/gsa/cm_attachments/GSA_DOCUMENT/FRPR_5-30_updated_R2872-m_0Z5RDZ-i34K-pR.pdf

A decade ago, the government owned 25 percent of all land in the United States. As of 2004, that number had grown closer to 29 percent.³

Between 1997 and 2004, the latest years for which reliable information is available, federal land ownership increased from 563.3 million acres to 654.7 million.⁴ That is an increase of more than 90 million acres, or a 16 percent increase.

The amount of land owned by the government is equivalent to the land in 27 States.

The combined land areas in Georgia, Illinois, Iowa, New York, North Carolina, Arkansas and Alabama would make up an area that is only *half* the size of the federal government's land.

The federal government has long occupied a majority of the property in some states. This includes as much as 84 percent of the land in Nevada, 69 percent in Alaska, 57 percent in Utah, 53 percent in Oregon, and 50 percent in Idaho.⁵

As the federal government grabs more and more land, the costs of maintaining this property increases and the maintenance backlog continues to grow. More land in government hands also limits the amount of property available for citizens to own to build a home or start a business.

The growth of government property is a result, in part, of Congress continuing to pass bills, such as S. 2483, providing for more and more land acquisitions.

The Maintenance Backlog For Federal Properties Grows

³ <https://www.cia.gov/library/publications/the-world-factbook/geos/us.html>

⁴ [http://www.gsa.gov/gsa/cm_attachments/GSA_DOCUMENT/Annual%20Report%20%20FY2004%20Fin al_R2M-n11_0Z5RDZ-i34K-pR.pdf](http://www.gsa.gov/gsa/cm_attachments/GSA_DOCUMENT/Annual%20Report%20%20FY2004%20Final_R2M-n11_0Z5RDZ-i34K-pR.pdf); and http://www.gsa.gov/gsa/cm_attachments/GSA_DOCUMENT/owned_inv_97_R2M-n11_0Z5RDZ-i34K-pR.pdf

⁵ Kristina Alexander and Ross W. Gorte. "Federal Land Ownership: Constitutional Authority and the History of Acquisition, Disposal, and Retention," Congressional Research Service, December 3, 2007.

While increased federal land ownership increases, current national parks and natural treasures suffer the most when the government assumes responsibility for additional properties because available resources must be stretched further.

The maintenance backlogs at federal agencies are growing at an alarming rate, demonstrating that the federal government is unable to properly take care and manage the property it is now entrusted.

The cost of the backlog for just six agencies is now at \$16 billion.⁶ Because of this, the Government Accountability Office (GAO) has placed federal real property management on its High Risk List for the most serious problems facing government.

At just the Forest Service alone, the backlog is immense. According to a GAO report, the cost of the maintenance backlog at the Forest Service tripled over a ten-year period.⁷

Despite this backlog, the Senate is expected to overwhelmingly pass S. 2483, that authorizes the federal government to take ownership of and responsibility for additional properties.

It is irresponsible for the government to take more land when it can not properly manage the property it now owns.

When maintenance needs stack up beyond what the government can afford, as it appears is the case now, our true national treasures are jeopardized.

A 2004 report published by the *Fresno Bee* highlights this problem in regards to the maintenance needs at Yosemite National Park.⁸

“There are small projects waiting, such as the \$62 tree-trimming work needed at the Arch Rock Picnic Area. There are medium-size projects, such as the \$10,697 replacement of fire rings at the El Capitan Picnic Area. And then there is the supersize

⁶ <http://www.gao.gov/new.items/d07310.pdf>

⁷ <http://www.gao.gov/archive/1998/rc98061t.pdf>

⁸ Michael Doyle. “Park Service Tabulates Repair Backlog,” *The Fresno Bee*, March 29, 2004; <http://www.yosemite.org/newsroom/clips2004/march/0329a04.htm>

work, such as the \$249,587 upgrade of the electrical system at the Yosemite Valley Visitors Center.

“Yosemite faces at least \$43.3 million worth of backed-up maintenance needs that in some cases have lingered for years.”

The former superintendent Michael Finley of Yellowstone National Park stated in 2001 that, “Lack of sufficient funding will continue to be the greatest long-term threat to the protection of Yellowstone’s natural and cultural treasures.”⁹

He issued a warning almost seven years ago to prioritize funding so that true national treasures are not ignored in favor of lower priorities.

Congress has ignored that warning. Instead of addressing current needs, Congress time and again passes legislation, such as S. 2483, which ignore the current needs of federal properties and instead add new lands that will require maintenance and consume already limited resources to the government’s control.

S. 2483 authorizes at least \$200 million in *new* spending, while doing nothing to address any of the problems at Yosemite or Yellowstone.

The Federal Government Does Not Even Use Much Of The Property That It Occupies

While the federal government owns nearly one third of all property in this country, it does not need a large portion of what it occupies.

According to a June 2007 Office of Management and Budget study, the government owns 21,000 buildings that it does not currently need.¹⁰ The value of all of these buildings is roughly \$18 billion.

The GAO reports that the amount of unneeded or vacant space possessed by the Department of Energy is approximately 20 million

⁹ http://www.npca.org/what_we_do/visitor_experience/backlog/limited.html

¹⁰ http://www.whitehouse.gov/omb/financial/fia/response_section408.pdf

square feet.¹¹ This is more than three times the size of the Pentagon– the largest office building in the world.

To put into perspective how large the Pentagon is– it could easily fit five of the U.S. Capitol inside of it and the concrete piles on which it is built could stretch from New York to Boston if laid end-to-end.¹²

The National Park Service currently has 2,217 property assets that have been slated for disposal but lacks the resources to clear, in part because Congress continues to divert the agency’s resources to obtaining new properties.¹³

If the situation is at all similar for the government’s land holdings, then taxpayers are footing the bill for a lot of wasted space.

Growth In Federal Land Ownership Affects Private Property Owners And Other Taxpayers

With each new heritage area designation and each new land acquisition, more and more land is taken away from American citizens.

When the federal government assumes ownership of property, American citizens, in effect, turn over control of their communities and neighborhoods to unelected bureaucrats and Washington, DC who are now charged with making decisions for properties that they may never have visited and might not even be able to identify on a map. State and local laws are overridden.

Transparency Will Help Policymakers Prioritize Government Land Management And Ownership

The government owns property it does not use and controls lands that it has failed to properly maintain. No one is entirely sure of the

¹¹ <http://hsgac.senate.gov/files/GoldsteinsTestimony524d07895t.pdf>

¹² <http://renovation.pentagon.mil/history-features.htm>

¹³ National Park Service FY 2007 Candidate Asset Disposition List

scope or cost of federal land ownership. Yet Congress continues to expand the amount of government controlled land.

It is essential that lawmakers learn to prioritize federal land ownership, management and acquisition.

To do this, it is essential to first learn the size and cost of federal lands as well as the maintenance backlog for federal agencies and properties.

Instead of prioritizing federal land management, Congress has allowed national parks and natural treasures to fall into disrepair by stretching federal resources and national priorities to include local pork projects. Each of the components of S. 2483—that may, in fact, have local and even national value—will draw resources away for the national treasures that are not being properly maintained.

Adding additional properties and responsibilities to federal bureaucracies simply forces agencies to divert funds away from addressing current responsibilities and property management.

The report that would be required by this amendment will allow the public and policy makers to better understand current challenges and better evaluate the impact of adding to existing responsibilities.

Fresno Bee
March 29, 2004

Park Service Tabulates Repair Backlog

Yosemite needs about \$43 million in repairs; Sequoia/Kings, \$40 million.

by **Michael Doyle**

Dollar by dollar, Yosemite National Park's maintenance backlog adds up.

Broken sinks. Peeling paint. Crumbling trails, shaggy shrubbery and fallen fences.

There are small projects waiting, such as the \$62 tree-trimming work needed at the Arch Rock Picnic Area. There are medium-size projects, such as the \$10,697 replacement of fire rings at the El Capitan Picnic Area. And then there is the supersize work, such as the \$249,587 upgrade of the electrical system at the Yosemite Valley Visitors Center.

All told, a first-of-its-kind assessment shows, Yosemite faces at least \$43.3 million worth of backed-up maintenance needs that in some cases have lingered for years.

"With a big park like Yosemite, we're spread out, and we've got so many different things to take care of," Yosemite spokesman Scott Gediman said. "There's so much here."

Yosemite's identified maintenance needs are not particularly unusual, compared to those of other national parks. At nearby Sequoia and Kings Canyon National Parks, for instance, officials have tallied more than \$40 million worth of deferred maintenance.

Some parks need even more work. Grand Canyon National Park has tallied \$67.8 million worth of deferred maintenance, which does not include estimates for campsite and sewage-system repairs.

It's a lot of money, but the alternative is hardly cheaper.

Replacing all of the run-down Yosemite assets, instead of repairing them, would cost more than \$560 million, according to estimates.

"Some of these assets we're talking about are precious," said Tim Harvey, an El Portal native and former Yosemite employee who now leads the National Park Service's facilities management team.

Harvey helped put together the Park Service's first comprehensive inventory of assets: the buildings, roads, trails, campgrounds, houses and sewage and water systems upon which park visitors rely.

For all but four asset-intensive parks nationwide, the agency's computers can spit out reports useful for number crunchers and resource managers alike.

"This is a phenomenal undertaking," said Sue Masica, associate Park Service director for planning, facilities and lands. "People elsewhere [in government] aren't doing what we're doing; we're on the leading edge of trying to implement industry standards."

The asset inventory is important because the National Park Service's maintenance backlog has long consumed park officials, local lawmakers and environmental advocates. The concern grows, moreover, as officials face questions about Park Service spending.

On Thursday, for instance, National Park Service Director Fran Mainella assured lawmakers that she was immediately suspending all foreign travel by her agency. The Park Service spent \$650,000 on foreign travel in 2002 and \$300,000 last year as part of a \$44 million overall travel budget that Mainella pledged to cut.

"Who's minding the store here? Are you all sort of oblivious to what's going on?" Rep. George Nethercutt, R-Wash., who serves on the powerful House Appropriations Committee, demanded of Mainella.

Rep. Nick Rahall of West Virginia, the ranking Democrat on the House panel overseeing national parks, questioned Park Service priorities even more sharply. Rahall asserts that President Bush has sought "only incremental increases" in park maintenance budgets, and that Bush's park proposals "have never approached the levels promised during the [2000] campaign."

In 1998, the General Accounting Office reported, the backlog had reached \$4.9 billion. That estimate, though, was not really an item-by-item accounting. Rather, Mainella told lawmakers, the widely reported figure was "just a compilation of desired projects in parks" rather than a comprehensive assessment.

But over the past several years, Park Service officials began compiling a truly systematic tally. It hasn't always come easy. Park superintendents and rangers out in the field sometimes resist headquarters innovations.

The results, nonetheless, are taking shape. Last summer, for instance, a team of contractors visited Yosemite for about a week.

Accompanied by park officials armed with laptop computers and digital cameras, they checked out each and every Yosemite asset: the 344 buildings, 24 campgrounds, 288 trails, 25 sewage systems and more.

Ultimately, they came up with individual repair and replacement estimates, as well as what the Park Service calls a "facility condition index" for comparison purposes. This compares the repair cost to the replacement cost. A separate "asset priority index" ranks the facilities by how important they are to the park's overall mission.

"It's extremely valuable," Gediman said, "because it enables us to prioritize the different maintenance projects that we do. This will enable us to look two or three years down the road."

At Kings Canyon, for instance, officials found a water distribution system at Grant Grove needing repair at an estimated cost of \$4 million and picnic tables at Lodgepole Campground said to need painting or replacing at an estimated cost of \$301,438. Both projects are given a moderately high priority ranking.

For \$2,074, officials also figured they could repaint the interior of the park's Lewis Creek cookhouse -- but this ranks very low among the park's overall maintenance priorities.

Computer software provides automatic cost estimates, which can overlook individual differences and rely on certain assumptions. The estimate on the Lodgepole Campground picnic tables, for example, evidently assumes picnic tables at each of Lodgepole's 204 campsites would be painted or replaced at an average cost of \$1,477.

The asset reports for all Park Service regions nationwide show a maintenance backlog of \$2.3 billion.

That probably understates the total, though, because not all assets have been tallied. The report for the Great Smoky Mountains National Park, for instance, does not yet include totals for housing, trails or sewage and water systems.

Park Service officials also caution that the maintenance backlog is a constantly moving target, which can't really be pinned down with a simple bottom line.

"There is no one number that can capture it," Mainella told the House National Parks, Recreation and Public Lands Subcommittee. "It is not a static number."

Claim vs. Fact

Claim: This provision will be burdensome for the Office of Management and Budget (OMB) to implement.

Fact: Much of this information is already being collected by OMB pursuant to Executive Order 13327. This amendment would simply codify the requirement and make permanent an ongoing and much needed effort, thus negating any costs for administration.

Claim: This amendment is unnecessary because the information it requires is already available.

Fact: While some of the information requested under this amendment may be available, it is not readily available or regularly updated. Furthermore, the information requested in this amendment is not all located in one place making it difficult for citizens to find.

Amendment 3962 – Requires the voluntary consent of property owners before the Federal Government can take control of any privately owned lands

Many Americans are understandably concerned about excessive federal government influence over their lives and property.

The federal government has added layer upon layer of regulations to how private property may or may not be used and in some cases simply assumed ownership and control of land.

This amendment would simply require the citizens affected by federal government land grabs provide voluntary consent before the federal government takes control of any privately owned lands.

Taxpayers should have the final say as to whether or not politicians and government bureaucrats take control of their land and property.

This Bill Authorizes The Federal Government To Acquire Property

S. 2483 authorizes the Departments of Agriculture and Interior to acquire lands by purchase, donation, or exchange. This amendment would not affect such property exchanges.

The amendment would only apply in situations involving federal eminent domain, when the government takes private property without the consent of the owner.

If the federal government attempts to use eminent domain to seize control of private property, the owners of such property should have the right to voluntarily refuse or accept such land grabs.

Federal Government Land Ownership Is Steadily Increasing

The federal government owns 653.3 million acres of land, which amounts to 28.8 percent of the total territory of the United States.

The federal government has long occupied a majority of the property in some states. This includes as much as 84 percent of the land in Nevada, 69 percent in Alaska, 57 percent in Utah, 53 percent in Oregon, and 50 percent in Idaho.¹⁴

Between 1997 and 2004, the latest years for which reliable information is available, federal land ownership increased from 563.3 million acres to 654.7 million.¹⁵ That is an increase of more than 90 million acres, or a 16 percent increase.

According to the Congressional Research Service (CRS), there are several manners in which the government may take over property. “The physical taking claim asserts that the government has taken property by causing, or authorizing, a physical encroachment upon that property.” CRS notes that “physical takings claims break down into two subcategories, involving (1) permanent physical occupations, and (2) temporary physical invasions.”¹⁶

This Amendment Would Involve Land Owners In Government Decisions About Their Property

Samuel Adams profoundly questioned, “Now what liberty can there be where property is taken away without consent?”¹⁷

This amendment ensures both liberty and consent.

It would do so by requiring that the very people affected by the government’s taking of property can voluntarily accept or reject the government land grab.

¹⁴ Kristina Alexander and Ross W. Gorte. “Federal Land Ownership: Constitutional Authority and the History of Acquisition, Disposal, and Retention,” Congressional Research Service, December 3, 2007.

¹⁵ http://www.gsa.gov/gsa/cm_attachments/GSA_DOCUMENT/Annual%20Report%20%20FY2004%20Final_R2M-n11_0Z5RDZ-i34K-pR.pdf ; and http://www.gsa.gov/gsa/cm_attachments/GSA_DOCUMENT/owned_inv_97_R2M-n11_0Z5RDZ-i34K-pR.pdf

¹⁶ Robert Meltz. “The Constitutional Law of Property Rights ‘Takings’: An Introduction,” Congressional Research Service, December 19, 2006.

¹⁷ Samuel Adams. “The Rights of the Colonists,” The Report of the Committee of Correspondence to the Boston Town Meeting, November 20, 1772.

This Amendment Would Not Affect Federal Transportation Projects, National Defense, Or Homeland Security

The amendment would apply to the Department of Interior, Department of Energy and the Forest Service. The National Park Service and the U.S. Fish and Wildlife Service, both of which are part of the Department of Interior, and the U.S. Forest Service, which is part of the U.S. Department of Agriculture, are responsible for 360 million acres, or about 55 percent of all federal lands.¹⁸

The requirements of the amendment are also exempted in the case of a national emergency, as determined by the President.

Homeland security, national defense, interstate highways, and other national transportation projects, therefore, would not be affected by the enactment of this amendment.

Delegating Property Decisions Is Not Unusual

The power of eminent domain been exercised through both legislation and legislative delegation. It is usually delegated to another governmental body, but the power may be delegated to private corporations, such as public utilities, railroad and bridge companies.

This amendment would delegate the final decision to the land owners who would be affected.

Clearly if politicians, bureaucrats and corporations have a role in deciding what land the government can cease control of, so should the taxpayers who currently own and live on the land that the government seeks to take.

The Federal Government Has Expanded Its Justifications for Taking Private Property From American Citizens

¹⁸ Kristina Alexander and Ross W. Gorte. "Federal Land Ownership: Constitutional Authority and the History of Acquisition, Disposal, and Retention," Congressional Research Service, December 3, 2007.

It was not until 1876 that the existence of eminent domain was recognized by the Supreme Court in *Kohl v. United States*, in which the Court affirmed that the power was as necessary to the existence of the National Government as it was to the existence of any State.

The federal power of eminent domain is, of course, limited by the grants of power in the Constitution, so that property may only be taken for the effectuation of a granted power, but once this is conceded the domain of national powers is so wide-ranging that vast numbers of objects may be affected.

Whenever lands in a State are needed for a public purpose, Congress may authorize that they be taken, either by proceedings in the courts of the State, with its consent, or by proceedings in the courts of the United States, with or without any consent or concurrent act of the State.¹⁹

While the power of eminent domain has only be exercised through legislation or through legislative delegation, usually to another governmental body, the power may be delegated as well to private corporations, such as public utilities, railroad and bridge companies, when they are promoting a valid public purpose.

In a 1946 case involving federal eminent domain power, the Court stated, "We think that it is the function of Congress to decide what type of taking is for a public use and that the agency authorized to do the taking may do so to the full extent of its statutory authority."²⁰

The power of eminent domain has been exercised for transportation and the supplying of water as well as to establish public parks, to preserve places of historic interest, and to promote "beautification."²¹

¹⁹ *Chappell v. United States*, [160 U.S. 499, 510](#) (1896). The fact that land included in a federal reservoir project is owned by a state, or that its taking may impair the state's tax revenue, or that the reservoir will obliterate part of the state's boundary and interfere with the state's own project for water development and conservation, constitutes no barrier to the condemnation of the land by the United States. *Oklahoma ex rel. Phillips v. Guy F. Atkinson Co.*, [313 U.S. 508](#) (1941). So too, land held in trust and used by a city for public purposes may be condemned. *United States v. Carmack*, [329 U.S. 230](#) (1946).

²⁰ *United States ex rel. TVA v. Welch*, [327 U.S. 546, 551-52](#) (1946). Justices Reed and Frankfurter and Chief Justice Stone disagreed with this view. *Id.* at 555, 557 (concurring).

²¹ E.g., *Shoemaker v. United States*, [147 U.S. 282](#) (1893) (establishment of public park in District of Columbia); *Rindge Co. v. Los Angeles County*, [262 U.S. 700](#) (1923) (scenic highway); *Brown v. United*

The Supreme Court has approved generally the widespread use of the power of eminent domain by federal and state governments in conjunction with private companies to facilitate urban renewal, destruction of slums, erection of low-cost housing in place of deteriorated housing, and the promotion of aesthetic values as well as economic ones.

In *Berman v. Parker*, a unanimous Court observed: "The concept of the public welfare is broad and inclusive. The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled."²²

This every expanding government power essentially allows Congress and unelected bureaucrats to whim any reason to take private property from citizens with little, if any, recourse.

This amendment provides some check on this expansion of government powers that threaten the rights and property of American citizens.

States, [263 U.S. 78](#) (1923) (condemnation of property near town flooded by establishment of reservoir in order to locate a new townsite, even though there might be some surplus lots to be sold); *United States v. Gettysburg Electric Ry.*, [160 U.S. 668](#) (1896), and *Roe v. Kansas ex rel. Smith*, [278 U.S. 191](#) (1929) (historic sites). When time is deemed to be of the essence, Congress takes land directly by statute, authorizing procedures by which owners of appropriated land may obtain just compensation. See, e.g., Pub. L. No. 90-545, Sec. 3, 82 Stat. 931 (1968), 16 U.S.C. Sec. 79(c) (taking land for creation of Redwood National Park); Pub. L. No. 93-444, 88 Stat. 1304 (1974) (taking lands for addition to Piscataway Park, Maryland); Pub. L. No. 100-647, Sec. 10002 (1988) (taking lands for addition to Mannassas National Battlefield Park).

²² [348 U.S. 26, 32](#) -33 (1954) (citations omitted). Rejecting the argument that the project was illegal because it involved the turning over of condemned property to private associations for redevelopment, the Court said: "Once the object is within the authority of Congress, the means by which it will be attained is also for Congress to determine. Here one of the means chosen is the use of private enterprise for redevelopment of the area. Appellants argue that this makes the project a taking from one businessman for the benefit of another businessman. But the means of executing the project are for Congress and Congress alone to determine, once the public purpose has been established. The public end may be as well or better served through an agency of private enterprise than through a department of government--or so the Congress might conclude." *Id.* at 33-34 (citations omitted).

Amendment 3963 – Requires citizens’ approval and periodic renewal of any taking of public or private property by the federal government

Many Americans are understandably concerned about excessive federal government influence over their lives and property.

The federal government has added layer upon layer of regulations to how private property may or may not be used and in some cases simply assumed ownership and control of land.

This amendment would simply require the citizens affected by federal government land grabs ratify the decision to turn over control of their neighborhoods to the federal government.

Taxpayers and their neighbors should have the final say as to whether or not politicians and government bureaucrats take control over their communities.

This Bill Authorizes The Federal Government To Acquire Property

S. 2483 authorizes the Departments of Agriculture and Interior to acquire lands by purchase, donation, or exchange. This amendment would not affect such property exchanges.

The amendment would only apply in situations involving federal eminent domain, when the government takes private property without the consent of the owner, or state and local governments ceding public lands to the federal government.

While these decisions to cede property to the federal government may be voluntary on the part of state or local governments, such a decision impacts the entire community. All residents of an area, therefore, should have a voice in the decision to turn over public property to the control of federal agencies and government bureaucrats in Washington, DC.

Likewise, if the federal government uses eminent domain to seize control of local property, the residents should have an opportunity to ratify or reject that decision and to end or renew federal occupation in the future.

Federal Government Land Ownership Is Steadily Increasing

The federal government owns 653.3 million acres of land, which amounts to 28.8 percent of the total territory of the United States. The federal government has long occupied a majority of the property in some states. This includes as much as 84 percent of the land in Nevada, 69 percent in Alaska, 57 percent in Utah, 53 percent in Oregon, and 50 percent in Idaho.²³

Between 1997 and 2004, the latest years for which reliable information is available, federal land ownership increased from 563.3 million acres to 654.7 million.²⁴ That is an increase of more than 90 million acres, or a 16 percent increase.

According to the Congressional Research Service (CRS), there are several manners in which the government may take over property. “The physical taking claim asserts that the government has taken property by causing, or authorizing, a physical encroachment upon that property.” CRS notes that “physical takings claims break down into two subcategories, involving (1) permanent physical occupations, and (2) temporary physical invasions.”²⁵

This Amendment Would Involve Local Residents In Government Decisions About Their Neighborhoods and Communities

²³ Kristina Alexander and Ross W. Gorte. “Federal Land Ownership: Constitutional Authority and the History of Acquisition, Disposal, and Retention,” Congressional Research Service, December 3, 2007.

²⁴http://www.gsa.gov/gsa/cm_attachments/GSA_DOCUMENT/Annual%20Report%20%20FY2004%20Final_R2M-n11_0Z5RDZ-i34K-pR.pdf ; and http://www.gsa.gov/gsa/cm_attachments/GSA_DOCUMENT/owned_inv_97_R2M-n11_0Z5RDZ-i34K-pR.pdf

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Samuel Adams profoundly questioned, “Now what liberty can there be where property is taken away without consent?”²⁶

This amendment ensures both liberty and consent.

It would do so by requiring that the very people affected by the government’s taking of property have a say in that decision and that federal land grabs must be periodically renewed.

This amendment would simply include citizens in government decisions to seize property and require periodic citizen approval for continued government occupation. It would do so by prohibiting the federal government from assuming control of any property unless a referendum within the jurisdictions affected is held that ratifies the land exchange. A citizens’ referendum would be required every ten years thereafter to reaffirm federal government occupation of property within the jurisdiction.

This Amendment Would Not Affect Federal Transportation Projects, National Defense, Or Homeland Security

The amendment would apply to the Department of Interior, Department of Energy and the Forest Service. The National Park Service and the U.S. Fish and Wildlife Service, both of which are part of the Department of Interior, and the U.S. Forest Service, which is part of the U.S. Department of Agriculture, are responsible for 360 million acres, or about 55 percent of all federal lands.²⁷

The referendum requirements of the amendment are also exempted in the case of a national emergency, as determined by the President.

Homeland security, national defense, interstate highways, and other national transportation projects, therefore, would not be affected by the enactment of this amendment.

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Delegating Property Decisions Is Not Unusual

The power of eminent domain been exercised through both legislation and legislative delegation. It is usually delegated to another governmental body, but the power may be delegated to private corporations, such as public utilities, railroad and bridge companies.

This amendment would delegate the final decision to the residents who would be affected.

Clearly if politicians, bureaucrats and corporations have a role in deciding what land the government can cease control of, so should the taxpayers in the very communities being targeted.

The Federal Government Has Expanded Its Justifications for Taking Private Property From American Citizens

It was not until 1876 that the existence of eminent domain was recognized by the Supreme Court in *Kohl v. United States*, in which the Court affirmed that the power was as necessary to the existence of the National Government as it was to the existence of any State.

The federal power of eminent domain is, of course, limited by the grants of power in the Constitution, so that property may only be taken for the effectuation of a granted power, but once this is conceded the domain of national powers is so wide- ranging that vast numbers of objects may be effected.

Whenever lands in a State are needed for a public purpose, Congress may authorize that they be taken, either by proceedings in the courts of the State, with its consent, or by proceedings in the courts of the United States, with or without any consent or concurrent act of the State.²⁸

²⁸ *Chappell v. United States*, [160 U.S. 499, 510](#) (1896). The fact that land included in a federal reservoir project is owned by a state, or that its taking may impair the state's tax revenue, or that the reservoir will obliterate part of the state's boundary and interfere with the state's own project for water development and conservation, constitutes no barrier to the condemnation of the land by the United States. *Oklahoma ex rel.*

While the power of eminent domain has only be exercised through legislation or through legislative delegation, usually to another governmental body, the power may be delegated as well to private corporations, such as public utilities, railroad and bridge companies, when they are promoting a valid public purpose.

In a 1946 case involving federal eminent domain power, the Court stated, "We think that it is the function of Congress to decide what type of taking is for a public use and that the agency authorized to do the taking may do so to the full extent of its statutory authority."²⁹

The power of eminent domain has been exercised for transportation and the supplying of water as well as to establish public parks, to preserve places of historic interest, and to promote "beautification."³⁰

The Supreme Court has approved generally the widespread use of the power of eminent domain by federal and state governments in conjunction with private companies to facilitate urban renewal, destruction of slums, erection of low-cost housing in place of deteriorated housing, and the promotion of aesthetic values as well as economic ones.

In *Berman v. Parker*, a unanimous Court observed: "The concept of the public welfare is broad and inclusive. The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community

Phillips v. Guy F. Atkinson Co., [313 U.S. 508](#) (1941). So too, land held in trust and used by a city for public purposes may be condemned. *United States v. Carmack*, [329 U.S. 230](#) (1946).

²⁹ *United States ex rel. TVA v. Welch*, [327 U.S. 546, 551](#)-52 (1946). Justices Reed and Frankfurter and Chief Justice Stone disagreed with this view. *Id.* at 555, 557 (concurring).

³⁰ E.g., *Shoemaker v. United States*, [147 U.S. 282](#) (1893) (establishment of public park in District of Columbia); *Rindge Co. v. Los Angeles County*, [262 U.S. 700](#) (1923) (scenic highway); *Brown v. United States*, [263 U.S. 78](#) (1923) (condemnation of property near town flooded by establishment of reservoir in order to locate a new townsite, even though there might be some surplus lots to be sold); *United States v. Gettysburg Electric Ry.*, [160 U.S. 668](#) (1896), and *Roe v. Kansas ex rel. Smith*, [278 U.S. 191](#) (1929) (historic sites). When time is deemed to be of the essence, Congress takes land directly by statute, authorizing procedures by which owners of appropriated land may obtain just compensation. See, e.g., Pub. L. No. 90-545, Sec. 3, 82 Stat. 931 (1968), 16 U.S.C. Sec. 79(c) (taking land for creation of Redwood National Park); Pub. L. No. 93-444, 88 Stat. 1304 (1974) (taking lands for addition to Piscataway Park, Maryland); Pub. L. No. 100-647, Sec. 10002 (1988) (taking lands for addition to Mannassas National Battlefield Park).

should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled."³¹

This every expanding government power essentially allows Congress and unelected bureaucrats to whim any reason to take private property from citizens with little, if any, recourse.

This amendment provides some check on this expansion of government powers that threaten the rights and property of American citizens.

³¹ [348 U.S. 26, 32](#) -33 (1954) (citations omitted). Rejecting the argument that the project was illegal because it involved the turning over of condemned property to private associations for redevelopment, the Court said: "Once the object is within the authority of Congress, the means by which it will be attained is also for Congress to determine. Here one of the means chosen is the use of private enterprise for redevelopment of the area. Appellants argue that this makes the project a taking from one businessman for the benefit of another businessman. But the means of executing the project are for Congress and Congress alone to determine, once the public purpose has been established. The public end may be as well or better served through an agency of private enterprise than through a department of government--or so the Congress might conclude." *Id.* at 33-34 (citations omitted).

Amendment 3964 – Requires that citizens within a National Heritage Area are informed of the designation and that government officials must receive permission to enter private property

More and more private property is being designated as part of a National Heritage Area (NHA) by Congress, usually with little debate or public knowledge or input.

This amendment requires that each of the citizens who live within a NHA are notified of the designation. It also requires written consent from property owners before a National Park service or NHA managing entity representative may enter private property located in a National Heritage Area.

This combination of notification and consent serves to advance the public awareness of NHA designations.

More And More National Heritage Area Designations Are Being Made With Little Public Knowledge

Over the past two decades, Congress has established 37 National Heritage Areas (NHAs). National Heritage Areas are partnerships between the National Park Service (NPS) and local entities which manage the areas intended to conserve areas that include natural, historic, and cultural resources. The NPS supports the National Heritage Areas through federal recognition, funding, and technical assistance.³²

S. 2483 establishes three new NHAs and extends the authorization, funding, and study of several existing NHAs.

There is no requirement for the federal government to notify each individual within an area of the designation or its meaning.

³² Vincent, Carol Hardy and David Whiteman, [Heritage Areas: Background, Proposals, and Current Issues](#), Congressional Research Service, December 27, 2007.

The official announcement of a National Heritage Area designation is typically buried with the pages of a local newspaper, which it could be easily overlooked or never be seen by those who will be affected by the decision.

Furthermore, the Senate—which determines NHA designation—does not even consider such decisions important enough to debate. The NHAs established by S. 2483 were all intended to be “hotlined,” approved by the Senate without discussion or a vote, except a lone Senator objected and demanded a full and open debate on the matter.

National Heritage Area Designation Can Greatly Compromise Land Owners' Use Of Their Own Private Property

The establishment of National Heritage Areas can have real impacts on communities and private property.

The potential consequences of these areas include restrictive zoning laws, government oversight of private property management, and even federal acquisition of land. There are also costs to manage the NHA.

When the National Park Service and local managing entities are given authority over land, the first action is often the enactment of restrictive zoning laws. Although a private citizen may still own the land within a National Heritage Area, the ability to decide how to use the land may be compromised. Landowners could, for example, be forbidden from making basic decisions, such as whether or not trees can be cut down or whether certain crops may be planted.

More restrictions on land owners' use of their own private property, ultimately, is the goal for many of the public organizations that manage National Heritage Areas. The ability to “coordinate” local land use is one of the foremost goals of NHAs.

The Blackstone River Valley National Heritage Corridor Management Plan states that, to achieve “better land use,” the “commission will be a strong voice for local land use planning and regulatory measures.”

Furthermore, it commits to work “to enact ordinances that preserve open spaces.”³³

The National Heritage Area Comprehensive Plan for the city of Wheeling, West Virginia also illustrates the use of zoning and regulation by NHAs:

“Key recommendations of the plan include...the institution of a viable historic conservation strategy to preserve the essence of the City’s historic heritage (as described and adopted in the Wheeling National Heritage Area Plan). This strategy should include expanded use of historic zoning districts that include measures to regulate building renovation and demolition as well as the design characteristics of new development.”³⁴

Clearly, the strategy of some National Heritage Areas include greater regulation of land use within a community and that regulation is the result of a few unelected individuals rather than the consensus of those living within the community.

Citizens Deserve To Know That Their Homes And Communities Will Be Affected By A National Heritage Area Designation

Advocates claim the proposed National Heritage Areas are supported by the local citizens who are most affected by the land designations. These advocates, led by the public officials and managing entities which create and control the National Heritage Areas, allege they are representing the interests of the people by designating their formerly private land as public domain.

This claim appears to be based more on a lack of public protest than actual public interest to demonstrate support for the National Heritage Area designations.

³³ http://www.nps.gov/history/history/online_books/blac/chlm.pdf p. 62

³⁴ Wheeling Comprehensive Plan - 1997 Update, p. 2

The NHA designations in S. 2483, in fact, are not unanimously supported. At least one Congressman whose district is affected by a proposed National Heritage Area, for example, opposes that designation.

The lack of public protest over NHA designations almost always indicates an absence of public knowledge rather than a presence of public support.

For example, only after an Arizona citizen noticed government officials marking his land was he informed for the first time that the area was slated to be designated as the Yuma Crossing National Heritage Area. When he contacted the local Farm Bureau, a meeting was set up for all affected landowners. At that meeting, only one person of the approximately 600 present responded in the affirmative when asked if they were aware of the future designation.³⁵

One NHA executive director stated, “We are driven by local interest to the degree if we were told to go away, we would.”³⁶

Taxpayers should not have to tell uninvited intruders to “go away.” They should, rather, be the ones to determine if an NHA designation is invited into their community in the first place.

If citizens were alerted to the decision for a NHA designation in their neighborhoods, the community could voice its opinion and form a consensus regarding the decision.

This amendment ensures that the citizens who live within a National Heritage Area are notified of the NHA designation.

By requiring those living within a National Heritage Area are notified of the designation, every member of the public that could be affected will be better informed and provided an opportunity for input into the decisions that impact their homes, neighborhoods, and communities.

³⁵ John J. Miller, “An Ugly Heritage,” *National Review*, January 28, 2008.

³⁶ Howard Kittell, September 7, 2001, Executive Director, Shenandoah Valley Battlefields Foundation, at a meeting in Monterey, referring to the McDowell battlefield

While Well Intended, National Heritage Areas Can Compromise One Of The Liberties Upon Which This Nation Was Founded

Our nation's Founding Fathers had much to say about the importance of private property.

Perhaps the leading proponent of the virtues of private property was Thomas Jefferson, whose former estate Monticello happens to lie inside the bounds of the proposed Journey Through Hallowed Grounds National Heritage Area.

In a letter to his friend Samuel Kercheval in 1816, Jefferson wrote "The true foundation of republican government is the equal right of every citizen in his person and property and in their management."

The taking of private property by the government takes many forms. One of those is regulating how an owner can use private property, which is a stated goal of some National Heritage Areas.

Landowners do not have the ability to opt out of a National Heritage Area. If their land lies within the boundaries enacted, it automatically becomes a part of the Heritage Area. Thanks to the power of the federal government, citizens' right to manage their property may be threatened.

Congress should not, therefore, grant the power to a few unelected individuals to compromise the rights and liberties of those within a community, especially without the community's awareness.

According to the Washington Post, "one of the more controversial proposed heritage areas, the 'Journey Through Hallowed Ground' heritage area ... runs from Charlottesville to Gettysburg along Route 15, past many American Revolution and Civil War sites." Peyton Knight of the National Center for Public Policy Research notes that "We should never seek to honor the heroes of our nation's founding by trampling the sacred principles for which they fought and died -- namely property rights and limited, local government."³⁷

³⁷ Paul Kane. "Heritage Areas vs. Property Rights; With Designations on Rise, Conservatives Sound Alarm," Washington Post, November 30, 2007, Page A21.

Soliciting Local Support Can Defray The Costs Associated With The Notification Requirements

Some may argue that notifying each individual within a National Heritage Area could be costly to the NHA managing entity.

That is no excuse to withhold this information from the citizens affected by the designation who are likely to bear the costs of any new regulations generated as a result of the NHA.

The notification process proscribed in this amendment, actually, offers a tremendous opportunity for the managing entities to reach out to, and build support in, the community. The notification letters, in fact, present a fundraising opportunity as nothing in this amendment would prevent the managing entities from including a fundraising appeal with the notification.

If local citizens support the National Heritage Area designations, the notification presents an excellent fundraising opportunity. The proceeds from this fundraiser can go towards offsetting the costs associated with the notification process, and any extra revenue could support some of the managing costs of the new National Heritage Area.

Federal Agents Should Not Trespass On Private Property

Before the area may be designated as a National Heritage Area, a representative of the managing entity or the National Park service often enters the property to inspect and survey the land.

According to this amendment, any such representative must obtain permission from the landowner prior to entering their land.

As the previously-mentioned Arizona case demonstrates³⁸, landowners often are unaware of government and managing entity officials entering their land.

Federal agents should be respectful of private property.

This amendment ensures that federal agents do not trespass on private property by requiring written consent from landowners before a National Park service or NHA managing entity representative may enter private property located in a National Heritage Area.

This would ensure landowners are aware of government action within or related to their property.

Permission For Entrance Onto Private Property Protects Landowners And National Heritage Area Representatives

The written consent requirement acts as a protection for the landowners and representatives for the National Heritage Area.

Trespassing laws still apply prior to the designation of a National Heritage Area.

Furthermore, this consent requirement acts to protect NHA representatives from personal harm. In many areas of the country, unknown trespassers are not always kindly met by the owner and strangers may be unaware of hidden dangers that may exist on a property.

By gaining consent to enter the land, these representatives can be best assured of their personal security.

Americans Deserve To Know What Actions The Government Is Making Regarding Their Community, Homes And Property

³⁸ An Arizona citizen noticed government officials marking his land for an area that was slated to be designated as the Yuma Crossing National Heritage Area. He was unaware of the designation and was not notified or asked for permission for government officials to enter his property.

There are two components of this amendment— notifying citizens within a National Heritage Area of the designation and requiring NHA representatives to receive permission from a landowner before entering private property—ensure those who are affected by the NHA are aware of important decisions regarding their communities, homes and property.

Amendment 3965—Ensures that there are no adverse effect of a National Heritage Area designation to local communities and home owners

S. 2483 authorizes the creation of three new National Heritage Areas (NHAs), increases the funding of eight existing “temporary authorizations,” modifies five existing NHA authorizations, and initiates two studies for the creation of new NHAs.

No one is entirely certain what the impact of an NHA designation has on communities and private property.

The amendment simply requires that before any of the new NHA designations take effect, the federal government must determine that the designation will not cause an adverse impact in the area on:

- 1) agricultural and livestock production;
- 2) energy exploration and production;
- 3) critical infrastructure including electric transmission and distribution lines and natural gas pipelines; and
- 4) the affordability of housing.

There must also not be a National Park Service maintenance backlog costing more than \$50 million in the state where the NHA is intended to be located.

These conditions for the creation of new NHAs ensure that the local community and other federally managed parks are not negatively impacted by the designation. These are commonsense considerations that the Senate should have examined before passing this bill. This amendment protects those affected by the NHAs in this bill by ensuring that these issues are explored and resolved before the designation becomes effective.

National Heritage Areas Are Proliferating Around The Country

The National Heritage Areas program was created in 1984, and 27 of them were designated through 2005. But last year, another 10 regions received the distinction. Six more were approved by the House of last fall.³⁹

S. 2483 authorizes the creation of three new National Heritage Areas (NHAs), increases the funding of eight existing “temporary authorizations,” modifies five existing NHA authorizations, and initiates two studies for the creation of new NHAs.

In addition to this bill, there have been about 30 bills introduced in this Congress to create or study the creation of new NHAs.

Advertised as a temporary jump start to local preservation efforts, no NHA has ever weaned itself of federal funding. According to the National Park Service, “So far, no area has ‘graduated’ from the program, even after 20 years in some cases and nearly \$100 million invested overall.”⁴⁰

According to the National Park Service, “a ‘national heritage area’ is a place designated by the United States Congress where natural, cultural, historic and recreational resources combine to form a cohesive, nationally-distinctive landscape arising from patterns of human activity shaped by geography. These areas tell nationally important stories about our nation and are representative of the national experience through both the physical features that remain and the traditional that have evolved within them.”⁴¹

In layman’s terms, NHAs are federally imposed designations that facilitate the establishment of a single local or regional effort to lead land use and preservation efforts. The local entity is guided by the National Park Service and is a conduit for federal funding, although NHAs may raise additional non-federal funds. Because NHAs are created for a narrow special interest, heritage areas are often a favorite target for Congressional earmarks.

³⁹ Paul Kane. “Heritage Areas vs. Property Rights; With Designations on Rise, Conservatives Sound Alarm,” Washington Post, November 30, 2007, Page A21.

⁴⁰ http://energy.senate.gov/hearings/testimony.cfm?id=1128&wit_id=169

⁴¹ <http://www.nps.gov/history/heritageareas/FAQ/INDEX.HTM>

While NHAs often find support among tourism officials, they have much deeper roots in an ideological movement intended to shift away from the traditional national parks concept to a living, breathing parks/preservation model.

An article published in a 1994 National Park Service newsletter notes that NHA's "represent a sea change in traditional notions of parks and historic preservation."

The newsletter states "heritage areas are an outgrowth of the environmental age, a time for sustaining rather than exploiting resources and pursuing the consumption based development model. Heritage area planning is holistic, resource based, and in keeping with the idea that the people's true heritage is the entire Earth."

"Parks," the article notes, "have been separate and apart from working and residential landscapes and a product of pastoral myth. To now say that a park may be a city or region is disorienting to say the least. But what is happening."⁴²

The first National Heritage Area designation occurred in 1984 and relatively few followed for the next decade. However since 2000 Congress has doubled the number of NHAs.⁴³ As Congress caters more to this very vocal special interest, the constituency for the program is growing. In fact, heritage areas were the subject of 27 earmarks last year alone⁴⁴.

Advertised as a temporary jump-start for "local" preservation efforts, NHAs have taken on a far more permanent status. In fact, initial ten year authorizations have been extended by an additional **15 years** in most cases.

While it is clear that heritage area designations are driven by narrow special interest, Congress owes it to taxpayers and property owners

⁴² "The Heritage Area Phenomenon: Where is it Coming From?" Paul Bray. Cultural Resource Management, Volume 17, No. 8 1994, p3.

⁴³ <http://www.nps.gov/history/heritageareas/VST/INDEX.HTM>

⁴⁴ <http://www.washingtonpost.com/wp-dyn/content/article/2007/11/29/AR2007112902160.html>

to properly consider the real impact NHAs will have on their homes, neighborhoods, and communities.

National Heritage Area Designation Can Have Significant Consequences For Communities And Landowners

The establishment of NHA can have real impacts on communities and private property owners.

The potential consequences of these areas include restrictive zoning laws, government oversight of private property management, and even federal acquisition of land. There are also costs to manage the NHA.

When the National Park Service and local managing entities are given authority over land, the first action is often the enactment of restrictive zoning laws. Although a private citizen may still own the land within a National Heritage Area, the ability to decide how to use the land may be compromised. Landowners could, for example, be forbidden from making basic decisions, such as whether or not trees can be cut down or whether certain crops may be planted.

More restrictions on land owners' use of their own private property, ultimately, is the goal for many of the public organizations that manage National Heritage Areas. The ability to "coordinate" local land use is one of the foremost goals of NHAs.

National Heritage Areas exist almost exclusively to "coordinate" local land use decisions within their borders. The strongest evidence can be found in the plans of the NHAs, all approved by the National Park Service.

- The Blackstone River Valley National Heritage Corridor Management Plan states that "corridor wide policies for land use management are critical." The plan says to achieve "better land use," the "commission will be a strong voice for local land use

planning and regulatory measures.” It also commits to working “to enact ordinances that preserve open spaces.”⁴⁵

- The Lehigh and Delaware Canal National Heritage Corridor Management Plan states “careful land management will encourage well designed development in appropriate places, lessening the homogenization caused by urban sprawl.”⁴⁶

The Journey Through Hallowed Ground Heritage Area authorized in this bill has already hired a local land use consultant who will work with state and local governments to achieve its vision of ideal land use ordinances. “The Alexandria, VA, office of EDAW, Inc., the international land-based planning and design firm, is providing advice on planning and design issues related to the future development of JTHG (Journey Through Hallowed Ground NHA), and attending meetings with local and state agencies to help facilitate discussion of planning issues.”⁴⁷

National Heritage Area land use plans impact the decisions of local planners. The National Heritage Area Comprehensive Plan for the city of Wheeling, West Virginia illustrates the use of zoning and regulation by NHAs:

“Key recommendations of the plan include...the institution of a viable historic conservation strategy to preserve the essence of the City’s historic heritage (as described and adopted in the Wheeling National Heritage Area Plan). This strategy should include expanded use of historic zoning districts that include measures to regulate building renovation and demolition as well as the design characteristics of new development.”⁴⁸

Clearly, the strategy of some National Heritage Areas include greater regulation of land use within a community and that regulation is the result of a few unelected individuals rather than the consensus of those living within the community.

⁴⁵ http://www.nps.gov/history/history/online_books/blac/chlm.pdf p 62

⁴⁶ http://www.nps.gov/history/history/online_books/heritage/dele.pdf p 32

⁴⁷ <http://www.hallowedground.org/content/view/162/12/>

⁴⁸ Wheeling Comprehensive Plan - 1997 Update, p. 2

A Government Accountability Office (GAO) report noted that the “groups who we contacted were unable to provide us with any examples of a heritage area directly affecting--positively or negatively--private property use.⁴⁹”

The GAO, unfortunately, did not independently review the impact of NHAs, analyze any changes in local zoning resulting from NHA designation, or interview local property owners.

The Senate Has Not Fully Examined The Impact Of The NHA Designations Contained Within This Bill On Local Communities

NHAs do not buy or regulate property. NHAs instead operate as federally funded organizations that work to achieve these goals indirectly by encouraging local governments to implement restrictive land use plans.

There has been no examination by any Senate Committee of the impact of NHA designation.

An NHA could impact zoning or land use regulations in local communities, affecting the affordability of housing, electric distribution, and farm land use.

Adding NHA designations to the management responsibilities of the National Park Service could also affect the agency’s allocation of resources and priority setting.

These issues have not been examined in regard to the authorizations contained within S. 2483.

Additionally, there is no real Congressional Budget Office (CBO) score of S. 2483 to determine the overall cost of the bill. The CBO score provided only examined “direct spending” and ignored the hundreds of millions of dollars in new spending authorized by the bill.

⁴⁹ http://www.nps.gov/history/heritageareas/LEG/gao_report.pdf

This is another Washington shell game used by Congress to hide its uncontrollable spending habits from the public.

The Senate—which determines NHA designation—does not even consider such decisions important enough to debate. The NHAs established by S. 2483 were all intended to be “hotlined,” approved by the Senate without discussion or a vote, except a lone Senator objected and demanded a full and open debate on the matter.

If the Senate chooses to pass legislation without careful consideration of its potential impact, the executive branch should be required to evaluate these matters and ensure that at the very least those Americans who live within a community that is intended to be part of a NHA are not adversely impacted.

Federally imposed preservation and land use restriction efforts cover large territories, often extending through several states. One federal heritage area covers an entire state. Given the vast areas encompassed, the lack of criteria for designating these areas, and the distinct potential for shifts in land use policy, the federal government must ensure that critical sectors of infrastructure, such as the distribution of electric or the production of energy, are not negatively impacted.

Advocates claim that National Heritage Areas have no *direct* impact on these sectors. Federal land policies should be made based upon careful examination of the facts and objective studies, not on the assurances of advocacy groups and lobbyists.

Furthermore, the bill itself empowers NHA management entities to exert influence over a community’s land use.

S. 2483 requires the National Park Service to ensure the completion of “an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed.” In other words, an entity must perform an exhaustive inventory of properties within the area for the federal government.

S. 2483 directs the heritage area management entity to focus on land use controls. The legislation specifically requires the local NHA management entity to incorporate “resource protection, enhancement, interpretation, funding, management, and development” into its management plan. The primary instrument for all of these activities is zoning.

During the 109th Congress, the House Resources Committee acknowledged this point. In reviewing the impact of the Yuma Crossing National Heritage Area designation, the Committee noted with concern that “The fear of adverse impacts on private property rights were realized when local government agencies began to use the immense heritage area boundary to determine zoning restrictions.”⁵⁰

Federal funds, clearly, should not be used to finance special interest groups to influence local zoning boards to restrict the land use in communities within a NHA.

Home owners and local businesses are disadvantaged if the NHA management entity is bankrolled by the federal government along with special interest groups to enact zoning rules limit the use of land within a community.

Federal Bureaucracies Use National Heritage Areas Designations To Promote Lands Controls

In providing an example of management plans for others to follow, the National Park Service highlights a strategy that calls on NHAs to “support sustainable land use, open space, and greenway planning and preservation.”⁵¹

The National Parks Advisory Board states that “emerging and designated National Heritage Areas benefit from the National Park Service’s expertise and provide a stronger vehicle for Congress to

⁵⁰ Report 109-294, November 15, 2005, p2.

⁵¹ <http://www.nps.gov/history/heritageareas/REP/notebook.pdf>, page 29

effectively utilize the National Park Service to achieve publicly supported conservation and preservation.⁵²

It also notes, “The National Heritage Area approach, with its networks of relationships and ability to leverage resources, can serve as a model for achieving National Park Service conservation goals.” The Board does not say “as a model for *locally* supported goals.”

Decisions regarding a home owner’s or a community’s land use should not be made to meet the goals of Washington, DC bureaucrats or politicians, regardless of how well intentioned they may be.

National Heritage Area Advocacy Groups Dismiss The Rights Of Home Owners And Promote Laws To Restrict Private Land Use

“NHAs are perhaps best regarded as a clever combination of pork-barrel spending and land-use regulations—and they’re an increasingly popular too for slow growth activist who bristle at the thought of economic development,” according to *National Review*.⁵³

NHA advocates encourage local governments to implement restrictive land-use plans.

The National Trust for Historic Preservation is a leading Washington DC advocacy group for NHAs and also a member of the board of the proposed Journey Through Hallowed Ground NHA authorized in this bill).

In a publication entitled, “Smart Growth Tools for Main Street,” National Trust for Historic Preservation claims that “too often, property rights are misunderstood. Some people erroneously believe that property rights are absolute.”

It also notes that: “Sensible land-use laws almost always enhance, rather than depress, property values.”⁵⁴

⁵² <http://www.nps.gov/history/heritageareas/NHAreport.pdf>

⁵³ John J. Miller. “An Ugly Heritage,” *National Review*, January 28, 2008, pages 28-29.

⁵⁴ http://www.nationaltrust.org/smartgrowth/toolkit_propertyrights.pdf

Specific to one of the authorizations in this bill, the National Trust's President said "Without comprehensive planning to manage sprawl and encourage appropriate growth, much of the region's heritage could be paved over."⁵⁵

Those are decisions that should be made by community residents rather than DC advocates, bureaucrats and politicians. Restricting land use can increase housing costs and hurt local economies.

Federally designated NHAs should not serve as conduits for special interest advocacy groups to impose land use restrictions and restrict the rights of home owners.

The Creation Of New Heritage Areas Siphons Resources Away From Existing Parks And National Treasures

Dwight Pitcaithley, who served as chief historian for the Park Service from 1995 to 2005, has noted that "While Congress is enamored with the idea of new parks, it has never felt obligated to support those parks with adequate and consistent funding."⁵⁶

This amendment will ensure that before Congress authorizes millions of dollars more to support new parks or heritage areas, the needs of existing national parks in a state are taken into account.

NHAs are not actually owned by the federal government, but they are funded by the Department of Interior, which is responsible for national parks.

While Congress expands the number of NHAs it siphons funds away from the National Park Service which operates almost 400 sites. The Park Service is spending more money per visitor, per acre, and per employee than ever before. Yet, the Department of Interior is having trouble maintaining the properties it actually runs. Its maintenance backlog is a multibillion dollar list of unfunded repairs and

⁵⁵ <http://www.hallowedground.org/content/view/129/12/>

⁵⁶ <http://www.nationalparkstraveler.com/2007/09/will-centennial-launch-national-park-service-toward-greatness>

improvements. The National Parks Conversation Association says that the parks need an extra \$800 million a year to fund their existing operations adequately.⁵⁷

Direct NHA funding is \$15.3 million⁵⁸ for the current fiscal year. The Government Accountability Office calculated that NHAs received \$154 million in federal funds between 1997 and 2004.

John Cosgrove, head of the Alliance of National Heritage Areas, an association that represents the groups overseeing the areas, believes that Congress should increase funding so that most of the areas would receive \$1 million a year.⁵⁹

Every dollar directed towards heritage areas is a dollar that is taken away from the immediate needs of existing national parks.

Clearly, taking tens of millions of dollars away from National Parks to fund the creation of new heritage areas is unwise when the parks can not keep up with existing needs and may actually endanger some of our nation's true natural and historic treasures.

In the recently passed omnibus appropriations act, the National Park Service received \$2 billion for operations of the agency,⁶⁰ up from \$1.7 billion in Fiscal Year 2007. The NPS is receiving record funding, yet the cost of its maintenance backlog continues to climb along with its responsibilities assigned by Congress.

The National Park Service estimates its deferred maintenance backlog at between \$6 and \$12 billion.⁶¹ This is a steep increase from the \$4.25 billion estimated in Fiscal Year 1999⁶².

A recent memo prepared by the Facility Management Division of the National Park Service reveals at least 10 states where NPS maintenance backlogs exceed \$100 million. At least twenty states

⁵⁷ John J. Miller. "An Ugly Heritage," National Review, January 28, 2008, page 30.

⁵⁸ <http://www.congress.gov/erp/rl/pdf/RL33462.pdf>

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⁶⁰ Text of HR 2764, signed by President Bush December 26, 2007.

⁶¹ http://www.doi.gov/pfm/bur_annual_rpt/index.html

⁶² <http://www.congress.gov/erp/rl/pdf/FL33484.pdf>

have facilities with deferred maintenance exceeding \$50 million⁶³. These numbers exclude nearly \$5 billion in parks roads facing serious deferred maintenance costs.

The national park maintenance backlog includes:

The National Park Service has 31 sites in **California** and faces a total state backlog of \$584 million (excluding road maintenance needs). The state is home such national treasures as Yosemite, Golden Gate Recreation Area and Sequoia National Park.

New York national parks facilities face a \$347 million backlog. New York is home to Ellis Island and the Statue of Liberty. Statue of Liberty Park faces a \$185 million maintenance backlog.⁶⁴

National Park in **Wyoming** face \$205 million maintenance backlog. Sites include Yellowstone, Grand Teton National Park and Devils Tower. Yellowstone faces a \$130 million maintenance backlog.

In **Montana**, Glacier National Park faces a staggering maintenance backlog of \$400 million, including the stabilization of historic structures.⁶⁵

There is a \$371 million backlog in **Washington, DC**, home to our nation's most treasured memorials to our nation's greatest leaders and those who fought and sacrificed to protect our liberty and democratic ideals.

New Mexico, which has 16 national parks sites, faces a \$41 million backlog (excluding roads). Sites include Carlsbad Caverns, White Sands and many ancient Indian ruin sites. At Carlsbad, maintenance needs were so pressing that sewer lines were actually leaking into the historic caves. Carlsbad superintendent Benjamin said: "Believe me, if there's sewage dripping down into that cavern, people are not going to believe we're doing a good job."⁶⁶ At the time of his

⁶³ December 11, 2007 Summary for Congressional Research Service: NPS Asset Management Challenge

⁶⁴ Ibid.

⁶⁵ http://www.npca.org/what_we_do/visitor_experience/backlog/maintenance.html

⁶⁶ NATIONAL PARKS FAST FALLING INTO DISREPAIR: From aging facilities to overgrown trails, reaching the backcountry is getting harder. May 25, 2004 <http://www.csmonitor.com/2004/0525/p01s02-usgn.html>

statement less than four years ago, he had three more miles of sewer line to repair or replace. As for New Mexico's other National Park sites, Benjamin says "you'll hear the same song from all of them, maybe a different verse." According to an analysis on the maintenance backlog crisis within the National Park Service, "Ancient stone structures are collapsing at Chaco Culture National Historical Park in New Mexico⁶⁷."

Arizona, home to the Grand Canyon, faces a backlog of \$192 million. A leading parks advocacy group places the Petrified Forest National Park among the most ten most endangered parks in America.⁶⁸ The maintenance backlog at the Grand Canyon—considered one of the "seven wonders of the world" faces a deferred maintenance backlog of \$121 million.⁶⁹

In the states—**Pennsylvania, Maryland, and Virginia**—included in the Journey Through Hallowed Ground National Heritage Area designated in this bill, the NPS faces a combined backlog of \$572 million (again excluding roads maintenance). Those states include important national parks sites including Gettysburg and Antietam Battlefield. Gettysburg faces a \$15 million maintenance backlog and Antietam has a \$22 million backlog. In total, the three states face a National Park maintenance backlog of \$573 million.

Deferred Maintenance Backlog Costs By State

⁶⁷ NATIONAL PARKS FAST FALLING INTO DISREPAIR: From aging facilities to overgrown trails, reaching the backcountry is getting harder. May 25, 2004 <http://www.csmonitor.com/2004/0525/p01s02-usgn.html>

⁶⁸ http://www.npca.org/media_center/press_releases/2001/page-27598999.html

⁶⁹ January 17, 2008 "CRS Paper Follow to Senator Coburn" Prepared by the National Park Service

Figure 3.

State	DM	State	DM	State	DM
AK	\$ 67,142,000	MD	\$ 218,255,000	RI	\$ 1,051,000
AL	\$ 11,031,000	ME	\$ 23,467,000	SC	\$ 24,916,000
AR	\$ 47,755,000	MI	\$ 47,238,000	SD	\$ 22,831,000
AZ	\$ 192,602,000	MN	\$ 7,920,000	TN	\$ 25,789,000
CA	\$ 584,745,000	MO	\$ 44,310,000	TX	\$ 66,911,000
CO	\$ 108,160,000	MS	\$ 4,333,000	UT	\$ 59,234,000
CT	\$ 5,760,000	MT	\$ 67,718,000	VA	\$ 190,790,000
DE		NC	\$ 90,955,000	VT	\$ 389,000
FL	\$ 130,882,000	ND	\$ 3,972,000	WA	\$ 69,878,000
GA	\$ 43,842,000	NE	\$ 3,704,000	WI	\$ 11,942,000
HI	\$ 89,219,000	NH	\$ 5,065,000	WV	\$ 94,224,000
IA	\$ 5,817,000	NJ	\$ 54,353,000	WY	\$ 205,929,000
ID	\$ 3,620,000	NM	\$ 41,480,000		
IL	\$ 3,248,000	NV	\$ 65,193,000	DC	\$ 371,221,000
IN	\$ 27,685,000	NY	\$ 346,473,000	PR	\$ 346,753,000
KS	\$ 6,378,000	OH	\$ 30,423,000	Other	
KY	\$ 36,798,000	OK	\$ 12,782,000	Territories	\$ 62,095,000
LA	\$ 15,798,000	OR	\$ 27,745,000		
MA	\$ 95,804,000	PA	\$ 162,910,000		

Above table does not include roads DM of \$4,411,495,000 as this information is captured separately by FHWA

National Heritage Area Lobbies To Create New Federal Parks

National Heritage Areas use their resources to influence federal policy makers into increasing other federal commitments.

For instance, one NHAs brags:

“Rivers of Steel is spearheading a drive to create a national park on 38 acres of the original mill site that that would include the Carrie Furnaces, the Pump House, and Water Tower. Bills have been introduced before the U S Congress to make this urban National Park a reality.

"Plans for the National Park include a series of walkways to be built around the Carrie Furnaces giving visitors the opportunity to walk in and around the furnaces that tower 92 feet above ground. The Pump House will tell the story of the 1892 Battle of Homestead that was waged between strikers and Pinkerton guards. Nearby, the Bost Building, which played a historic role in the strike, will house an exhibit on the union movement. Help us in our efforts to create this National Park. Register your support and add your name to a letter of

support now!”⁷⁰

This Amendment Protects National Parks, Local Businesses, Home Owners, And Others Who Live Within NHAs

The land use restrictions advocated for preservation within a NHA can result in higher land values, higher property taxes, and higher energy costs. This can mean less affordable housing, which in turns can drive low and middle income Americans out of the communities and neighborhoods where they now reside. It can hinder local economic growth, which means fewer jobs.

To protect against these potential adverse effects, this amendment requires that before a proposed National Heritage Area receives its official designation, the President must certify that the will have no adverse impact on:

- **Agricultural and livestock production**— Our nation depends on a safe and abundant food supply.
- **Energy exploration and production**—Our nation faces an energy crisis in large part because of foreign energy dependence.
- **Critical infrastructure**, including electric transmission and natural gas lines—Our nation faces a growing bottleneck in transmission capacity that is threatening to increase consumer costs and that could lead to large scale blackouts. Natural gas is the cleanest burning fuel for the production of electricity and the heating of homes, and the ability to transport it effectively will determine its success and positive environmental impact.
- **Affordable housing**—Home owners and renters face growing challenges. Where a family lives can determine the quality of the schools their children attend, the safety of their neighborhoods, and the opportunities available to succeed in securing the American Dream.

⁷⁰ <http://www.riversofsteel.com/subpage.aspx?id=23&h=222&sn=252>

The American public deserves the assurance that the federal government will carefully measure the impact of a proposed NHA on their homes and communities to ensure that there will be no negative consequences before such a designation is approved.

Point-Counterpoint

Does the bill contain adequate private property protections? Supporters will argue that the bill already protects private property.

For each NHA, the bill states:

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy or water or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

Items 1-3 are truisms and offer little if any protection.

(Item 1) Sure a property owner (farmer or rancher) may not have to participate in the NHA, but he will still have to live with new zoning strongly influenced (federal funding and technical assistance for one interest group).

(Item 2) Sure, a property owner isn't required to allow access to his land, but we know two things. Neither the managing entity, nor the park service, are required to notify each property owner within the new NHA, nor obtain his written consent to enter private land. In the Yuma (AZ) NHA, surveyors were found on the land of farmer who wasn't aware of the new NHA nor had he given approval to enter his land.

(Item 3) This is again meaningless. It is a tacit acknowledgement that the NHA authorization itself has no direct impact on zoning. It does not address the fact acknowledged by all sides that NHA exist to influence local zoning. They don't dictate, they are simply the only federally financed and chartered group entering the zoning fray. This puts other constituencies at a severe disadvantage. If you are a farmer and you can no longer cut your trees down or sell your land to a local developer, you understand the impact real quick.

Finally, the bill says that no federal funds may be used to acquire lands within the NHA. Again, this offers no comfort. Not only do NHA lobby state and local governments to purchase land (or restrict uses), they also lobby the federal government to purchase local lands. Take for instance the efforts of the Rivers of Steel National Heritage Area: **"Rivers of Steel is spearheading a drive to create a national park on 38 acres of the original mill site..."**⁷¹

⁷¹ <http://www.riversofsteel.com/subpage.aspx?id=23&h=222&sn=252>

Sample of Maintenance Backlog as identified by the National Parks Conservation Association

- Washington's Mount Rainier National Park has a backlog in excess of \$100 million—half of which is road repair. Hikers cannot get to backcountry cabins because bridges and trails leading to the buildings are in disrepair.
- At Dry Tortugas National Park in South Florida, large sections of a historic lighthouse and Fort Jefferson—the largest all-masonry fortification in North America—are structurally unsafe. Fort Jefferson once held one of the nation's most famous prisoners: Dr. Samuel Mudd, the doctor who set John Wilkes Booth's leg, injured as the actor escaped from Ford's Theatre after assassinating President Lincoln.
- The visitor center at the USS Arizona Memorial in Hawaii is sinking and may cost as much as \$20 million to repair—a cost that exceeds the entire annual budget for the seven national park sites in the state.
- Yosemite National Park has more than \$40 million worth of backlog projects, including trail and campground maintenance, sewer system replacement, and electrical upgrades.
- The South Rim of Grand Canyon National Park in Arizona houses numerous buildings designed by Mary Elizabeth Jane Colter, an architect whose work reflects Native American influences. Most of these structures, from the Hopi House to the Bright Angel Lodge, are on the National Register of Historic Landmarks but lack funds for preservation. These projects are counted among \$60 million worth of backlog maintenance at the park.
- The \$20-million maintenance backlog at Big South Fork National River and Recreation Area in Tennessee is affected by annual operating shortfalls that limit the Park Service's ability to hire any seasonal employees this summer to help with maintenance.
- Ancient stone structures are literally collapsing at Chaco Culture National Historical Park in New Mexico.
- At Yellowstone, 150 miles of roads have not been repaired in years, and many of the park's several hundred buildings, including those used to house park employees, are in woeful condition.
- Glacier's backlog of deferred maintenance needs exceeds \$400 million. The total includes \$10 million to construct a new west-side visitor center, more than \$150 million to stabilize historic hotels, and about \$150 million to rehabilitate historic Going-to-the-Sun Road.
- The administration estimates that road and bridge rehabilitation in Alaska's national parks will cost more than \$27 million over the next six years.

Amendment 3966 -- Requires one percent of the new spending authorized in the bill to be used to dispose of excess, unused and unneeded Federal property to offset some of the costs of the bill

S. 2483, the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2007, authorizes the creation of three new national heritage areas (NHAs), increases the funding authorization of eight existing “temporary authorizations,” modifies five existing NHA authorizations, and initiates two studies for the creation of new NHAs.

This bill authorizes at least \$206 million in new spending, which only represents a fraction of the total unknown price tag of the bill as there are eight other provisions with no cost limits.

This amendment directs a mere one percent of any funds appropriated for the purposes of this bill to be spent on the disposal of unneeded National Park Service property assets. This will help offset some of the new costs of the bill by raising revenue from the sale of government property and by reducing the costs of maintaining unneeded and unused property.

This Amendment Would Help Offset The Hundreds Of Millions Of Dollars Of New Spending Authorized By This Bill

While S. 2483 authorizes over \$200 million in new spending, the bill does not offset any of these increased costs.

This amendment directs one percent of any funds appropriated for the purposes of this bill to be spent on the disposal of unused and unneeded National Park Service property assets.

This one percent will not significantly impact or compromise any of the projects in the bill, but it will go a long way in reducing costs of maintaining unneeded property and raising revenues from property sales that could help offset some of the new costs created by this bill.

Given our nation's \$9 trillion national debt and the overwhelming burdens facing the National Park Service, this amendment provides a commonsense approach that requires little, if any, real sacrifice.

The National Park Service Has Over 2,000 Property Assets That Have Been Slated For Disposal That Can Not Be Sold Off Due Solely To Lack Of Funding

This bill adds hundreds of millions of new projects and new property liabilities to the National Park Service, which is currently facing tremendous property management challenges.

The National Park Service possesses between a \$5 billion and \$12 billion maintenance backlog. Included in this backlog, the National Park Service currently has 2,217 property assets that have been slated for disposal that cannot be sold off or cleared solely due to a lack of funding.⁷²

In other words, the National Park Service is now forced to hold on to assets it no longer needs, which in and of itself requires the expenditure of funds. This siphons away funds from scarce resources that could better be spent to care for true national treasures, such as the Statue of Liberty, the Grand Canyon, and Yosemite.

Since the National Park Service has a work order so vast and a limited number of funds and resources available, it is unable to dispose of even simple assets.

These assets include chicken coops, excess gazebos, a bath house, outhouses, an oyster shucking shed, a car wash, car ports and even a gingerbread house.

It makes little sense to pay to maintain an unneeded car wash or chicken coop, when the resources to do so could be better spent fixing a sewer system that is leaking on visitors at Carlsbad Caverns or maintaining the Statue of Liberty.

⁷² National Park Service FY 2007 Candidate Asset Disposition List

The excess asset disposition list also includes items that still have value and whose final disposition would infuse new capital into an agency struggling to maintain the great historic and natural sites throughout our nation.

These include smaller items like excess kiosks and windmills, to mobile homes, aging sheds and water/wastewater systems. The disposition list includes barns, sheds and outhouses. By completing the disposition of these assets, the parks service could gain a valuable new source of funding for our parks and historic sites.

Yet, the National Park Service is unable to rid itself of properties that could generate millions of dollars in sales and reduce maintenance backlogs by billions of dollars because Congress is directing the agency's funding towards new acquisitions. This misplaced prioritization add new costs to the Park Service and make it more difficult to rid it of unneeded holdings which would save and even raise money for national parks.

It is unclear how much the agency would save by disposing of these excess assets. Though it is in the process of trying to do so, the agency currently lacks the capability to track total operations and maintenance costs per asset.

While many of the identified 2,650 candidates for disposal are deteriorated, there will be obvious savings, both in terms of reduced maintenance costs (one estimate assumes \$12 million in savings) and in realized gains from the sale of marketable assets. In addition to the previously mentioned assets, such as car washes and car ports, other potential items with remaining value include: 52 barns, 192 sheds, and 11 mobiles homes. The list includes numerous water and wastewater systems (which may be outdated, but with value in individual parts).

The Federal Government Owns \$18 Billion In Unneeded Property

This problem of unneeded and excess properties is not isolated to the National Park Service.

The federal government has \$18 billion in unneeded property that has been slated for disposal, according to the Office of Management and Budget.

Every two years, the Government Accountability Office (GAO) comes out with a list of the problems in government so large that immediate action must be taken. Federal real property disposal has been on the list since 2003.⁷³

GAO reports that “Many of these assets and organizational structures are no longer needed; others are not effectively aligned with, or responsive to, agencies’ changing missions. At the same time, technological advances have changed workplace needs, and many of the older buildings are not configured to accommodate new technologies.”

GAO further reports the following:

- NASA has more than 10 percent of its property is either underutilized or not utilized at all.
- GSA has identified 279 buildings – accounting for more than 14.5 million square feet – as either excess or as ready for disposal or demolition.
- The Department of Defense has indicated that its property holdings are so large that it is going to take a long time before it can even finish counting its excess property.

The process for property disposal is typically conducted in the following way:

Step One: An agency decides that it no longer needs a piece of property for any number of reasons, such as not supporting mission, too costly, or office move. At that point, the property is declared to be “excess.”

⁷³ <http://www.gao.gov/new.items/d07310.pdf>

Step Two: All excess property is made available to every other federal agency to see if those agencies could use the property.

Step Three: If no other agency needs the property, it is declared to be “surplus” and prepared for disposal.

Step Four: The agency that owns the property is then required to spend the requisite money to prepare the building for sale. This involves environmental screenings, and upkeep.

Step Five: The agency has to ensure that the property would not be suitable for a number of “public benefit conveyances” whereby the property is given away to a good cause.

Step Six: If all of these qualifications are met and still no one wants it, it goes for sale on the open market. Any money made is put directly into the treasury.

Holding Onto Properties With Maintenance Issues Can Increase Costs

Drastically increasing the urgency of disposing of property with maintenance issues is the fact that neglecting these properties invariably compounds problems and costs.

For example, if a roof needs to be patched due to a leak but is neglected, the problem could grow until the roofs integrity could become compromised and it needs to be completely replaced. The price on that one piece of property consequently increases dramatically.

The Federal Government Is Overwhelmed By Its Real Property Assets

The federal government owns 411,415 buildings with a total of almost 3 billion square feet of building area, acquired at a cost of about \$327 billion.⁷⁴

The federal government also has 59,036 leases on 45,261 buildings with an annual rental cost to the taxpayers of just over \$6 billion.⁷⁵

The majority of federal land within the United States is controlled by the Department of the Interior and the Department of Agriculture. Forest and Wildlife account for 30.42 percent of the land, grazing accounts for 22.2 percent, and parks and historic sites account for 15.5 percent.

Only 2.16 percent of federal land in the United States is used for military purposes, plus only another .06 percent for airfields. The cost of acquiring all this land: \$24.5 billion.⁷⁶

Additionally, the United States leases property in 167 foreign countries. The U.S. government also has 12,738 leases on 12,446 buildings on foreign soil with an annual rental cost to U.S. taxpayers of over \$523 million. There are 4,437 buildings sitting on this land that occupy over 35 million square feet of building area.⁷⁷

Clearly increasing the amount of properties for the federal government to manage without disposing of unneeded properties is unwise and irresponsible.

A Budget Management Review Has Warned That National Park Service Funding Needs To Be More Efficiently Allocated

Every year, the Office of Management and Budget conducts a thorough evaluation of the performance and effectiveness of all agencies programs and proposes room for improvement. For the National Park Service's facility maintenance, the first recommendation was to reform how it manages its property assets.

⁷⁴ <http://www.lewrockwell.com/vance/vance53.html>

⁷⁵ <http://www.lewrockwell.com/vance/vance53.html>

⁷⁶ <http://www.lewrockwell.com/vance/vance53.html>

⁷⁷ <http://www.lewrockwell.com/vance/vance53.html>

The recommendation concluded that “as the existing infrastructure gets older and the number of parks goes up, NPS will not be able to keep up unless it systematically and efficiently allocates available funding.”⁷⁸

The National Park Service’s mission statement is to “preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations.”⁷⁹ To fulfill this mission, the National Park Service adheres to 9 guiding principals in its operation of the agency.

Two of these guiding principals are wise decisions and effective management.⁸⁰ According to the NPS, wise decisions entails “integrating social, economic, environmental, and ethical considerations into the decision-making process,” while effective management means “instilling a performance management philosophy that fosters creativity, focuses on results, and requires accountability at all levels.”⁸¹

This amendment ensures that the National Park Service mission is better adhered to and OMB’s management review recommendations are carried out.

The Federal Government Can Not Afford New Costs And Responsibilities Without Offsets From Existing Holdings

Without corresponding offsets from existing holdings, it is irresponsible to add new property management responsibilities and costs to the federal government when it is unable to properly its existing inventory and assets.

⁷⁸ <http://www.whitehouse.gov/omb/expectmore/summary/10000146.2003.html>

⁷⁹ <http://www.nps.gov/aboutus/mission.htm>

⁸⁰ <http://www.nps.gov/aboutus/mission.htm>

⁸¹ <http://www.nps.gov/aboutus/mission.htm>

Faced with a \$9 trillion national debt and the looming insolvency of Social Security and Medicare, it is especially shortsighted to increase the National Park Service's cost to taxpayers.

A recent *USA Today* article entitled "USA Debt: \$30,000 per American" noted that "Like a ticking time bomb, the national debt is an explosion waiting to happen. It's expanding by about \$1.4 billion a day — or nearly \$1 million a minute."⁸²

Foreign governments and investors now hold some \$2.23 trillion — or about 44 percent — of all publicly held U.S. debt. That is up 9.5 percent from a year ago.⁸³

⁸² www.usatoday.com/news/washington/2007-12-03-debt_N.htm

⁸³ www.usatoday.com/news/washington/2007-12-03-debt_N.htm

WorldNetDaily.com

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1:00 a.m. Eastern

The fight against government land ownership

By Henry Lamb

Why does the federal government own 65 percent of all the land west of Denver and less than 2 percent of the land east of Denver? Who cares?

Everyone should care. The federal government was not created to be the owner of the land; it was created expressly to get the "right of soil" out of the hands of a king – that is, out of the hands of government.

The sovereign right of the king to own, to tax and control the use of land led directly to the Declaration of Independence in 1776, and, after six years of bloody war, to the Treaty of Paris in 1783. This treaty was not with the federal government, which did not yet exist. The treaty was between the king of England and each of the enumerated states. [The treaty](#) specifically recognizes these states:

...to be free sovereign and independent states, that he [the king] treats with them as such, and for himself, his heirs, and successors, relinquishes all claims to the government, propriety, and territorial rights of the same and every part thereof.

Among the many great controversies resolved by the U.S. Constitution was the question of equality among the states that constituted the original United States of America. The principle that emerged was known as the "Equal Footing Doctrine," which supposedly insured that all states were equal in their sovereign power. Article I, Section 8 specified how the federal government might acquire land and the purposes for which it could be acquired from the states. The 10th Amendment further declared that powers not explicitly granted to the federal government were retained by the states and the people.

Where, then, is the equality for the states west of the 100th meridian?

The federal government owns about 98 percent of the land in Alaska and about 86 percent of Nevada land. Overall, the feds own 65 percent of all the land west of the 100th meridian. This fact makes a mockery of the Equal Footing Doctrine that was so important to the founders.

How this situation evolved over two centuries is the subject of many books and court battles. Much can be learned about the bumpy road to the present from the [U.S. Constitution Annotated](#). However we got to this point is not as important as the fact that

despite the intentions of the founders and the clear intent of the Equal Footing Doctrine, the states east of the 100th meridian are vastly "more equal" than the states to the west.

There is no valid reason why the federal government should own this land. Originally, it was purchased, or won, as a security measure for the eastern states. Originally, the federal government's objective was to get the newly acquired land into private hands as quickly as possible. The sale of the land was helpful in retiring debts that accumulated during the Revolutionary War. Toward the end of the 19th century and throughout the 20th century, the goals and objectives of the federal government changed, due to the growing influence in the east of people who bought into the socialist ideal.

The foundation of socialism is the idea that government should own the sources of production and distribute its benefits "from each according to his ability, to each according to his need."

The land owned by the federal government is rich in resources, which should be the property of the states and the people who live there. The states and the people who live there should decide how the land and its resources are used.

But no. In the West, the federal government not only dictates how the land will be used, it also dictates how the law will be enforced. Duly elected county sheriffs are forced to stand aside while law-enforcement officers of the U.S. Forest Service [confiscate the private property](#) of ranchers who allow their cattle to eat grass that the federal government claims as its own – despite a hundred years of undisputed ownership by the rancher's family.

The federal government should not own land other than that authorized in the Constitution. It should not be dictating how land is used in any state, and it should not be enforcing its will over the authority of local elected officials.

Several efforts to change this situation in the past have failed. The problem only worsens, and the tension between government and private land ownership is inspiring a new, better-organized effort to get the government out of the real estate business. Perhaps a new revolution is in the air.

This Land Is *Not* Your Land

by [Laurence M. Vance](#)

This land is your land, this land is my land,
From California, to the New York Island,
From the redwood forest, to the Gulf Stream waters,
This land was made for you and me.

~ Woody Guthrie, "This Land is Your Land"

My fellow Americans – this land is *not* your land. This land belongs to the federal government. And what it doesn't own it can take through its power of [eminent domain](#).

The FY2004 [Federal Real Property Profile](#) has now been released. In it we see that the federal government owns more than 653 million acres of land. This is almost 29 percent of all the land in the United States. The federal government owns land in all fifty states, with ownership exceeding 50 percent in some states.

The following table shows what percentage of land the federal government owns in each state.

State	Fed Owned	State	Fed Owned
Alabama	1.57%	Montana	29.92%
Alaska	69.09%	Nebraska	1.36%
Arizona	48.06%	Nevada	84.48%
Arkansas	7.17%	New Hampshire	13.45%
California	45.3%	New Jersey	3.08%
Colorado	36.63%	New Mexico	41.77%
Connecticut	0.44%	New York	0.76%
Delaware	2.04%	North Carolina	11.82%
Florida	8.23%	North Dakota	2.67%
Georgia	3.78%	Ohio	1.71%
Hawaii	19.41%	Oklahoma	3.60%

Idaho	50.19%	Oregon	53.11%
Illinois	1.79%	Pennsylvania	2.50%
Indiana	2.00%	Rhode Island	0.43%
Iowa	0.76%	South Carolina	2.90%
Kansas	1.20%	South Dakota	6.19%
Kentucky	5.40%	Tennessee	3.24%
Louisiana	5.11%	Texas	1.86%
Maine	1.05%	Utah	57.45%
Maryland	2.83%	Vermont	7.47%
Massachusetts	1.87%	Virginia	9.94%
Michigan	9.97%	Washington	30.33%
Minnesota	5.61%	West Virginia	7.44%
Mississippi	7.27%	Wisconsin	5.63%
Missouri	5.03%	Wyoming	42.33%

The federal government also owns 24.67 percent of the land in the District of Columbia.

Yes, the federal government only owns a small amount of land in some states. This, however, can still amount to a chunk of land. For example, the federal government owns 1.57% of the land in Alabama. That is still 513,913 acres.

In addition to all this land, the federal government owns 411,415 buildings with a total of almost 3 billion sq. ft. of building area all acquired at a cost of about \$327 billion. The federal government also has 59,036 leases on 45,261 buildings with an annual rental cost to the taxpayers of just over \$6 billion.

What is all this property used for? The majority of federal land is controlled by the Department of the Interior and the Department of Agriculture. Forest and Wildlife account for 30.42 percent of the land, grazing accounts for 22.2 percent, and parks and historic sites account for 15.5 percent. Only 2.16 percent of federal land in the United States is used for military purposes, plus only another .06 percent for airfields. The cost of acquiring all this land: only \$24.5 billion.

Even the world is not safe from the tentacles of the federal leviathan. The U.S. government owns approximately 1.5 million acres of land outside the United States. There are 4,437 buildings sitting on this land that occupy over 35 million sq. ft. of building area. The U.S. government also has 12,738 leases on 12,446 buildings on

foreign soil with an annual rental cost to U.S. taxpayers of over \$523 million. The United States leases property in 167 foreign countries.

Why does the U.S. government lease 733,627 sq. ft. of building area in Bolivia and 790,704 sq. ft. of building area in Colombia? Is this necessary? Do any members of Congress know about this? Do any members of Congress care about this?

To say that our government is too big would be the understatement of the century, but that is really the most accurate way to describe it. Yes, the federal government is too wasteful. And yes, the federal government is too expensive. And yes again, the federal government is too intrusive. But these things are true in a large part because the government is just plain too big.

The first step toward taming the federal leviathan is to confine it to Washington D.C. Nothing short of the largest land sale in history will bring this about.

August 15, 2005

Amendment 3967 – Protects the right of law abiding citizens to carry guns in National Parks

For 25 years, regulations enacted by unelected bureaucrats at the National Park Service (NPS) and the U.S. Fish and Wildlife Service (FWS) have prohibited law abiding citizens from possessing firearms on some federal lands. The enactment of these rules pre-empted state laws, bypassed the authority of Congress, and trampled on the Constitutional rights of law abiding Americans guaranteed by the 2nd Amendment of the U.S. Constitution.

This amendment would ensure that state gun laws and citizens' Constitutional rights are honored on federal lands by prohibiting the Department of Interior from creating or enforcing any regulations prohibiting an individual, not otherwise prohibited by law from possessing a firearm, from possessing a firearm in National Parks and Wildlife Refuges in compliance with state laws.

Gun Bans On Federal Property Were Enacted By Unelected Bureaucrats Without The Authority Of Congress

In 1983, the National Park Service (NPS) and the U.S. Fish and Wildlife Service (FWS) enacted regulations banning the possession of firearms in federal parks.

As a result, state laws permitting concealed carry of firearms are not recognized on federal land managed by NPS and FWS. Americans on these lands may not possess a loaded firearm in or on a motor vehicle, a boat or vessel except in specific circumstances. Firearms may only be transported in or on a motor vehicle, boat or horse if they are rendered temporarily inoperable, or packed, stored or cased in a manner that prevents their ready use.⁸⁴

The penalties for violating the gun prohibition include a fine of \$5,000 and six months in prison.

⁸⁴ 36 C.F.R. 2.4, 50 C.F.R. 27.4

In addition to criminalizing law abiding citizens for exercising their rights, these regulations expose a much greater threat-- bureaucrats overstepping their authority.

The gun ban regulations were not debated or approved by Congress. These regulations and the corresponding penalties were established without any Congressional mandate or legislative approval.

It is troubling that government bureaucrats could take away the rights of law abiding citizens guaranteed by the federal Constitution on federal property and without the consideration of the federal representatives of the people.

A handful of unelected and unaccountable bureaucrats should not possess the ability to overstep the authority of the U.S. Congress or the rights guaranteed by the U.S. Constitution.

This amendment ensures that Congress, belatedly, weighs in on this issue.

Many in Congress have already expressed their opposition to these regulations. Forty-seven Senators, including 8 Democrats, recently signed a letter to Secretary of the Interior Dick Kempthorne asking him to remove these regulations. Several additional Senators have indicated their support for allowing state laws to govern firearm possession on public lands.

No Other Federal Land Agencies Have Enacted Anti-gun Rules Similar To The National Park Service and Fish and Wildlife Service

Both the Bureau of Land and Management (BLM) and U.S. Forest Service (FS) allow for the law of the state in which the federal property is located to govern firearm possession.

FS and the BLM have not experienced any difficulties as a result of allowing firearm possession.⁸⁵

⁸⁵ FS Congressional Liaison E-mail – 09/24/2007

According to the BLM, “Laws and reg[ulation]s pertaining to concealing and carrying firearms are within states[‘s] jurisdiction and we only enforce them on public land if we have state authority by way of a local agreement. The BLM has some regulations on the use of firearms that pertain to specific areas, such as recreation sites and other areas that may be closed to shooting (but that does not make it illegal to possess a firearm in those areas).”⁸⁶

This Amendment Will Protect Law-abiding Citizens Without Threatening Natural Resources Or Wildlife

The anti-gun regulations were intended to “ensure public safety and maximum protection of natural resources,” according to Scot McElveen, the president of the Association of National Park Rangers.⁸⁷

NPS and FWS claim that allowing citizens to carry legally-owned and registered firearms was necessary to prevent the poaching of animals living on NPS and FWS lands.⁸⁸ This amendment will not enable or permit illegal hunting of animals on these lands.

Other NPS and FWS regulations specifically governing illegal hunting will remain in place, ensuring that poaching will still be illegal.⁸⁹

The fact that both BLM and FS have not “required” these additional regulations further proves the anti-gun regulations by the other agencies are unnecessary.

The contradictory patchwork of federal regulations within different agencies has created the scenario where a law-abiding gun-owner traveling from public land managed by BLM to an adjacent NPS or FWS unit is subject to a \$5,000 fine and a six month prison sentence for violating federal regulations.

⁸⁶ BLM Congressional Liaison E-mail – 09/20/2007

⁸⁷ <http://www.nationalparkstraveler.com/2008/01/association-national-park-rangers-opposes-change-gun-laws-parks>

⁸⁸ FWS Congressional Liaison E-mail – 01/18/2008

⁸⁹ FWS Congressional Liaison E-mail – 01/23/2008

In many states, people have to pass through designated federal lands everyday. They should be able to do so without having to worry about which laws apply on what type of public land, if they are authorized to carry firearms under state law.

The bureaucrats seemingly well intended goal of “protecting” the public and natural resources holds the same flaws of other anti-gun efforts: It ensures that only criminals possess firearms and makes law abiding citizens subject to criminal penalties for exercising their Constitutional rights.

A recent editorial in the *Colorado Spring Gazette* pointed out that “Armed law-abiding citizens aren’t the source of violence, criminals are.”⁹⁰

Individuals who are already willing to break the law to illegally hunt on public lands, after all, are no more likely to obey federal regulations that disallow the use firearms on public lands.

As Crime Rates On Federal Lands Increase, Citizens Should Maintain The Right To Protect Themselves And Their Families

National Parks, while still generally safe for visitors, have seen an increase in crime recently.

Overriding state laws that give its residents the ability to defend themselves may increasingly place NPS and FWS visitors in unnecessary danger.

NPS and FWS anti-gun regulations disarm individuals and leave them and their families vulnerable to crime on public lands.

According to Captain John Klaasen of the U.S. Forest Service, "If you see [a crime] happening in the city, it happens in the forest." Whether it is meth labs hidden amid lush forests or car prowls at trailheads,

⁹⁰ The Gazette, “Pursuing safety - Half of Senate backs firearms in parks,” January 13, 2008, http://www.gazette.com/opinion/firearms_31930_article.html/parks_rules.html

park rangers and forest officers are seeing an increasing amount of criminal behavior.⁹¹

For many criminals, parks and forests offer a safe haven. Consequently, visitors enjoying some of our nation's natural treasures are increasingly vulnerable to harm and personal injury.

With one law enforcement officer for about every 110,000 visitors and 118,000 acres of land, park police may not always be close by and individuals may be left to defend themselves.⁹² While park rangers now use bullet-proof vests and automatic weapons to enforce the law, regular Americans in states where conceal and carry laws exist, are denied the opportunity for self-defense because of these NPS and FWS regulations.

In a recent news story, drug and human smuggling across the U.S. Mexico border has made it impossible and dangerous for scientists to continue their research and for visitors to frequent "well-marked but unofficial trails" in a national park.⁹³

"Organ Pipe Cactus National Monument stopped granting most new research permits in January because of increasing smuggling activity. Scientists must sign a statement acknowledging that the National Park Service cannot guarantee their safety from "potentially dangerous persons entering the park from Mexico.""⁹⁴

A report by the National Parks Conservation Association in 2007 detailed how over the past two years at Organ Pipe Cactus National Monument, "park rangers have arrested and indicted 385 felony smugglers, seized 40,000 lbs. of marijuana, and intercepted 3,800 illegal aliens. The Border Patrol estimated that 500 people per day (180,000 per year) and 700,000 pounds of drugs entered the U.S. illegally through the monument in the year 2000." It is no wonder the law enforcement staff of 11 park rangers is encountering difficulties in

⁹¹ Jennifer Sullivan , "Crime Slowly Creeps Into Parks, Forests," Seattle Times, October 16,2006, http://seattletimes.nwsourc.com/html/localnews/2003305418_safetrails15m.html

⁹² GAO, "Actions Needed to Better Protect National Icons and Federal Office Buildings from Terrorism," June 24th, 2005, <http://www.gao.gov/new.items/d05790.pdf>

⁹³ <http://www.nps.gov/orpi/planyourvisit/yoursafety.htm>

⁹⁴ Associated Press , "Violent Border Smugglers Scare U.S. Scientists," Foxnews.com, December 30th, 2007, <http://www.foxnews.com/story/0,2933,319028,00.html>

managing a 330,000 acre park with numerous activities initiated by Mexican drug cartels.⁹⁵

This park was ranked by the Fraternal Order of Police as the most dangerous national park in 2003. While two other parks on the Mexico-U.S. border were listed as one of the ten most dangerous national parks in 2003, other parks included on this list were in states such as New Jersey, Florida, Virginia and Wyoming – Yellowstone National Park.⁹⁶

The Government Accountability Office (GAO), in a report entitled, “Actions Needed to Better Protect National Icons and Federal Office Buildings from Terrorism,” additionally expressed concern with the ability of the Interior Department to maintain adequate security in the post-9/11 world of heightened alerts due to potential terrorist attacks.

While better prioritization of federal funds may be needed to increase law enforcement efforts in our public parks and forests, allowing visitors to national parks to possess guns provides responsible gun owners the ability to defend themselves in the event that law enforcement is not nearby.

Park Rangers Are Also Threatened By Anti-gun Restrictions Imposed By Washington Bureaucrats

According to the National Park Service, in 2006 there were 11 homicides, 35 rape cases, 61 robberies, 16 kidnappings, 261 aggravated assaults and 320 other assaults out of a total of 116,588 offenses in national parks.⁹⁷

Another result of this surge is that, "National Park Service officers are 12 times more likely to be killed or injured as a result of an assault than FBI agents."

⁹⁵ National Parks Conservation Association, “Perilous Parkland: Homeland Security and the National Parks,” March 4th, 2007, http://www.npca.org/media_center/fact_sheets/security.html

⁹⁶ Environment News Service, “U.S. Rangers, Park Police Sustain Record Levels of Violence,” September 1st, 2004, <http://www.ens-newswire.com/ens/sep2004/2004-09-01-02.asp>

⁹⁷ Tillie Fong, “Violent Crime Rare on Public Land,” Rocky Mountain News, June 29th, 2007

According to the group Public Employees for Environmental Responsibility, "National Park Service commissioned law-enforcement officers were victims of assaults 111 times in 2004, nearly a third of which resulted in injury. This figure tops the 2003 total of 106 assaults and the 2002 total of 98."⁹⁸

Because of this threat, rangers in higher crime areas often carry automatic weapons and wear bullet-proof vests.

Former Executive Director of the U.S. Park Rangers Lodge of the Fraternal Order of Police and 30-year park ranger, Randall Kendrick has noted that "The National Park Service has an astoundingly poor safety record for its officers... If anything, these assaults against park rangers are undercounted. If there is not a death or injury, pressures within a national park can cause the incident to be reported as being much more minor than it is in reality, and it is not unheard of for an assault to go unreported altogether."⁹⁹

According to the Inspector General of the Department of the Interior, NPS law enforcement agents and rangers are ineffectively managed by "non-law enforcement managers."

In a statement before the Senate Committee on Finance, Inspector General Earl E. Devaney remarked that various Superintendents of a number of dangerous parks opposed increasing law enforcement staff to combat rising crime levels for a variety of reasons.

Some Superintendents ordered rangers not to carry firearms because they thought it would "offend park visitors."

Other Superintendents assigned law enforcement staff non-law enforcement work to prevent them from becoming "too much like cops" or because "the public does not want park rangers with the same edge as FBI agents but instead what the public wants is the park ranger to be cut from the same cloth as a boy scout."

⁹⁸ Brad Knickerbocker, "Crime Rates Up In National Parks – More Rangers Find Themselves Battling Lawlessness," CBS News – Christian Science Monitor, August 8th, 2005, <http://www.cbsnews.com/stories/2005/08/08/national/main765404.shtml>

⁹⁹ Brad Knickerbocker, "Crime Rates Up In National Parks – More Rangers Find Themselves Battling Lawlessness," CBS News – Christian Science Monitor, August 8th, 2005, <http://www.cbsnews.com/stories/2005/08/08/national/main765404.shtml>

The International Association of Chiefs of Police also described law enforcement staffing at the Park Service as “patently illogical and erratic.”¹⁰⁰

¹⁰⁰ Earl E. Devaney, “U.S. Borders: Safe or Sieve,” Senate Committee on Finance, January 30th, 2003

CLAIMS AND FACTS

CLAIM: Gun restrictions enacted by the National Park Service (NPS) and the U.S. Fish and Wildlife Service (FWS) are different than those of Bureau of Land and Management (BLM) and U.S. Forest Service lands (FS) because the roles of the agencies are different.

FACT: All four agencies have generally similar responsibilities to manage and protect federal properties and national resources.

The NPS mandate is to “preserve national parks for future generations while providing for visitor enjoyment.”

The FWS mandate is to "administer a national network of lands and waters for the conservation, management and where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

BLM’s mandate is to “to manage the public lands for multiple use, while protecting the long-term health of the land.” According to the FS Website, “the mission of the USDA Forest Service is to sustain the health, diversity, and productivity of the Nation’s forests and grasslands to meet the needs of present and future generations.”¹⁰¹

Besides the fact, that the missions of all four agencies are similar, because additional regulations prohibit the inappropriate use of firearms in non-designated areas, allowing for state conceal and carry laws will not compromise these agency missions. Instead, by allowing for state conceal and carry laws to be recognized, visitors will feel safer and more protected in areas where there is limited or no law enforcement.

CLAIM: Animals will be poached and not adequately protected if visitors are permitted to carry guns in federal parks.

¹⁰¹ <http://www.fs.fed.us/aboutus/mission.shtml>

FACT: Separate regulations already outlaw such behavior. This amendment will not void those regulations.

CLAIM: It would be impractical to enforce state-by-state conceal and carry laws on NPS lands.

FACT: Both the BLM and the Forest Service have not expressed any difficulties or frustration in recognizing state laws.

As it currently stands, the NPS does not enforce NPS regulations that void state concealed carry laws, except if violations are found inadvertently according to NPS congressional liaison. Even then, rangers will normally only give a warning to visitors that NPS regulations do not recognize state conceal and carry permits.

CLAIM: Recognizing concealed carry state permits would compromise the effectiveness of NPS law enforcement.

FACT: Concealed carry permits exist for the protection of individuals – not law enforcement by regular citizens.

Current police forces are spread far too thin as it is and are not sufficient. According to GAO, for every one law enforcement officer there are about 10,000 visitors and 118,000 acres of land

Both FS and BLM do not believe their effectiveness has been compromised because states laws governing firearms are followed on their lands.

<http://www.nps.gov/biso/planyourvisit/huntingregulations.htm>

Firearms:

You may not possess a loaded firearm in or on a motor vehicle. A firearm is considered loaded if there are rounds in the chamber or magazine, a muzzleloader is unloaded if there is no cap on the nipple or powder in the priming pan. (36 C.F.R. 2.4 (b)) You may not possess a loaded firearm in a boat or vessel except when that boat or vessel is being used as a shooting platform in accordance with State and Federal law. You may only load your firearm after the motor has been shut off and all forward motion due to that motor has stopped. (36 C.F.R. 2.4(b)) Firearms may be transported in or on a motor vehicle, boat or horse but they must be rendered temporarily inoperable, or packed, stored or cased in a manner that prevents their ready use. (36 C.F.R. 2.4 (a)(3)) This law can be satisfied several ways, a cased unloaded gun satisfies the requirements of this law. An unloaded gun with a trigger lock installed satisfies this law. An unloaded gun with the ammunition stored in a separate part of the vehicle satisfies this law. A unloaded gun laying in the passengers seat with the ammunition right beside it does not satisfy the requirements of this law.

http://a257.g.akamaitech.net/7/257/2422/12feb20041500/edocket.access.gpo.gov/cfr_2004/julqtr/pdf/36cfr_2.4.pdf

§ 2.4 Weapons, traps and nets.

(a)(1) Except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited:

- (i) Possessing a weapon, trap or net
- (ii) Carrying a weapon, trap or net
- (iii) Using a weapon, trap or net

(2) Weapons, traps or nets may be carried, possessed or used:

(i) At designated times and locations in park areas where:

(A) The taking of wildlife is authorized by law in accordance with § 2.2 of this chapter;

(B) The taking of fish is authorized by law in accordance with § 2.3 of this part.

(ii) When used for target practice at designated times and at facilities or locations designed and constructed specifically for this purpose and designated pursuant to special regulations.

(iii) Within a residential dwelling. For purposes of this subparagraph only, the term “residential dwelling” means a fixed housing structure which is either the principal residence of its occupants, or is occupied on a regular and recurring basis by its occupants as an alternate residence or vacation home.

(3) Traps, nets and unloaded weapons may be possessed within a temporary lodging or mechanical mode of conveyance when such implements are rendered temporarily inoperable or are packed, cased or stored in a manner that will prevent their ready use.

(b) Carrying or possessing a loaded weapon in a motor vehicle, vessel or other mode of transportation is prohibited, except that carrying or possessing a loaded weapon in a vessel is allowed when such vessel is not being propelled by machinery and is used as a shooting platform in accordance with Federal and State law.

(c) The use of a weapon, trap or net in a manner that endangers persons or property is prohibited.

(d) The superintendent may issue a permit to carry or possess a weapon, trap or net under the following circumstances:

(1) When necessary to support research activities conducted in accordance with § 2.5.

(2) To carry firearms for persons in charge of pack trains or saddle horses for emergency use.

(3) For employees, agents or cooperating officials in the performance of their official duties.

(4) To provide access to otherwise inaccessible lands or waters contiguous to a park area when other means of access are otherwise impracticable or impossible. Violation of the terms and conditions of a permit issued pursuant to this paragraph is prohibited and may result in the suspension or revocation of the permit.

(e) Authorized Federal, State and local law enforcement officers may carry firearms in the performance of their official duties.

(f) The carrying or possessing of a weapon, trap or net in violation of applicable Federal and State laws is prohibited.

(g) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

<http://www.cbsnews.com/stories/2005/08/08/national/main765404.shtml>

Crime Rates Up In National Parks
More Rangers Find Themselves Battling Lawlessness
CBS News – Christian Science Monitor
Brad Knickerbocker.

ASHLAND, Ore., August 8, 2005 – The smell of bacon mixed with wood smoke. The sight of a spectacular waterfall or field of wildflowers. The sound of a bugling elk ... or nothing at all in the backcountry wilderness.

National parks are meant to be laid-back places where the stress and strain of work and home are left behind for a more mellow experience.

But increasingly, those rangers in their Smokey Bear hats who give talks on nature and lead campfire sing-alongs -- especially the ones trained in law enforcement -- are facing crime and violence.

A watchdog group last week warned that law enforcement work in national parks is the most dangerous in federal service.

"National Park Service officers are 12 times more likely to be killed or injured as a result of an assault than FBI agents," the group Public Employees for Environmental Responsibility reported. "National Park Service commissioned law-enforcement officers were victims of assaults 111 times in 2004, nearly a third of which resulted in injury. This figure tops the 2003 total of 106 assaults and the 2002 total of 98."

"The National Park Service has an astoundingly poor safety record for its officers," says Randall Kendrick, who represents park rangers as part of the Fraternal Order of Police. "If anything, these assaults against park rangers are undercounted. If there is not a death or injury, pressures within a national park can cause the incident to be reported as being much more minor than it is in reality, and it is not unheard of for an assault to go unreported altogether."

So why all this violence and crime in places that are supposed to be tranquil and relaxing? Alcohol or drugs are part of most violent incidents. Hideaway methamphetamine labs and marijuana fields in rural park areas (some of them run by drug cartels) and illegal aliens crossing through parks near the US- Mexico border are part of a growing crime scene.

But like increasing incidents of road rage, the stress of modern urban life, especially in the post-9/11 world of terrorism, may have something to do with it as well.

"We're suffering from the same societal problems that most urban areas are," says park service spokesman David Barna, who notes that park rangers interact with 1 million visitors a day and a lot more than that during the summer months.

FBI agents "are not face to face with the public the way we are," says Mr. Barna. "We're more like cops - metropolitan police organizations."

Here in Oregon recently, two rangers at Crater Lake National Park attempted to calm a man at the Mazama campground who had been involved in a domestic disturbance, loudly threatening people, disrupting an evening program, and leaving campers cowering in their tents. Undeterred by pepper spray, he came at the rangers with a club. They finally fatally shot the man.

The National Park Service (NPS) is a huge organization whose 20,000 professionals and 125,000 volunteers oversee 388 parks, monuments, battlefields, historic sites, lakeshores, recreation areas, scenic rivers and trails, and the White House. Their security and law-enforcement responsibilities include more than 18,000 permanent structures, 8,000 miles of roads, 1,800 bridges and tunnels, 4,400 housing units, 700 water and wastewater systems, 400 dams, and 200 solid-waste operations.

While Yellowstone National Park had the biggest number of violent incidents directed at park service officers last year (16), nearly half the total took place in urban areas where US Park Police patrol: the National Mall, the Statue of Liberty, Golden Gate Bridge, the Camp David perimeter, and dozens of parks and parkways in the Washington, D.C. area.

For some critics, this raises questions about why there are fewer US Park Police today than there were before 9/11, even though the park service's law enforcement budget has increased \$42 million in the last three years and officers now get more training.

Last year, US Park Police Chief Teresa Chambers was fired for speaking out against the dangers of understaffing at places like the Lincoln Memorial and the Washington Monument. With help from whistleblower organizations, she is fighting her termination.

In a report last summer, the National Parks Conservation Association, a private organization, noted that the number of commissioned permanent and seasonal rangers had been declining in recent years while the number of park visitors was rising.

Noting incidents of vandalism, arson, burglary, and theft, including stealing old-growth redwood trees and poaching of black bears for use in Chinese medicines, NPCA warned that "a shortage of law enforcement rangers has a direct impact on park resources."

"The Park Service's on-the-ground law enforcement capacity has been further eroded by the demands of homeland security," the group stated in its report, titled "Endangered Rangers."

"The agency has estimated that it spends \$63,500 each day that the nation is at orange alert," according to NPCA. "This diverts funds from the parks' operating budgets, and when rangers from parks such as Rocky Mountain and Shenandoah are sent to guard dams and icon parks, their positions remain unfilled."

More recently, the Government Accountability Office (GAO) expressed concern about the ability of the Interior Department - of which the National Park Service is part - to maintain adequate security in the post-9/11 world of heightened alerts due to potential terrorist attacks.

Based on interviews with Interior and Park Service officials, GAO reported that "the department's law enforcement staff is already spread thin ... averaging one law enforcement officer for about every 110,000 visitors and 118,000 acres of land."

http://seattletimes.nwsourc.com/html/localnews/2003305418_safetrails15m.html

Crime slowly creeps into parks, forests

By Jennifer Sullivan

Seattle Times

10/16/2006

OLYMPIC NATIONAL FOREST — Though Jessie Jordan's "office" is a stunning stretch of the craggy Pacific coast, the beauty comes at a price.

Hopping into her white and green sport-utility vehicle, the 31-year-old ranger in the Olympic National Forest adjusts her straw hat and tugs at the bulky bulletproof vest beneath her khaki shirt. Behind her, mounted on a gun rack, are two shotguns.

When she graduated from the University of Colorado in 1996, Jordan dreamed of roaming the wilderness offering guidance to campers and hikers. Now that she's a park ranger for the National Park Service, she still sees herself as the protector of the natural resources in the national parkland stretching from Kalaloch to Lake Quinalt, but Jordan says a big part of her job is that of small-town cop.

"Park rangers are the most assaulted federal officers," Jordan said. "Urban police officers had a lot more crime to deal with, but we have less staff."

It used to be that being a ranger in Washington state's national parks and forests meant guiding people through the great outdoors and serving as caretaker to plants and wildlife. But as cities and suburbs rapidly encroach upon wilderness areas, drugs and violence have crept into the outdoors.

Whether it's meth labs hidden amid lush forests or car prowls at trailheads, park rangers and forest officers are seeing an increasing amount of criminal behavior.

While neither the U.S. Forest Service nor the National Park Service keeps precise statistics about crime on federally protected lands, officers and rangers in Washington say that crime appears to be on the rise in the backcountry.

That fact was underscored by the July 11 slayings of a Seattle mother and daughter on a trail in the Mount Baker-Snoqualmie National Forest, killings that remain unsolved. The shootings of Mary Cooper, 56, and Susanna Stodden, 27, prompted hikers and campers to briefly stay away from the popular recreation areas near Mount Pilchuck at the height of camping season.

Such violent crimes are still quite rare in national parks and forests.

But the killings were a reminder of why rangers such as Jordan have become as familiar with firearms and evidence collection as they are with the best hiking routes and bear-safety tips.

"If you see it happening in the city, it happens in the forest," said Capt. John Klaasen of the U.S. Forest Service.

Crimes increase

The officers Klaasen oversees in the Mount Baker-Snoqualmie National Forest and Olympic National Forest regularly encounter abandoned meth labs, evidence of marijuana growing and fugitives living deep in the backcountry who survive by stealing from campers.

In general, Cmdr. Barb Severson of the Forest Service said, crime appears to be increasing in the more than 1 million acres of national forest land that her 25 officers patrol in Washington state.

Between October 2005 and September, officers in the Mount Baker-Snoqualmie National Forest handed out 709 citations and wrote an additional 2,197 incident reports, Severson said. Citations were handed out

for everything from vandalism to illegal dumping to nonpayment of recreation fees and illegal off-road vehicle use, Severson said.

During the same time period, officers in the Olympic National Forest gave 262 citations and wrote 875 incident reports.

Severson didn't know how many arrests were made.

In 2005, rangers at Olympic National Park made 14 arrests and handed out 523 citations according to park spokeswoman Barb Maynes.

Of the more than 10 arrests by Olympic National Park rangers this year, most were for drunken driving, she said. This year rangers have handed out more than 215 citations.

Violent crime, though, is still unusual enough that Officer Mike Gardiner of the Mount-Baker Snoqualmie Forest called the slayings of Cooper and Stodden a "freak occurrence."

Public Employees for Environmental Responsibility (PEER) says the rise of crime in national forests is reflected in the increase in threats and violence toward employees of the Forest Service, National Parks Service, U.S. Fish and Wildlife Service and the Bureau of Land Management. According to PEER, attacks against employees of those agencies have increased from 88 reported in 2004 to 477 in 2005.

Jeff Ruch, executive director of the Washington, D.C.-based environmental advocacy group, said federal forest employees in the Pacific Northwest also have significant problems catching off-road vehicle enthusiasts who are riding in prohibited areas.

"Safety is kind of on us"

In the summertime, Mark O'Neill, who patrols Olympic National Park, parks his patrol car along Highway 101, the main drag between Port Angeles and Forks, to catch speeders. During these traffic stops he often finds fugitives wanted on arrest warrants.

"We take weapons off people all the time," O'Neill said.

A rash of car break-ins at the Lake Quinault trailhead last summer resulted in the theft of nearly \$20,000 worth of items from 21 people, Jordan said. By bashing car windows with a rock, thieves stole laptops, wallets and other items. Only six people recovered some of their possessions, she said.

During 12 years as a Forest Service officer, Shane Wyrsh said he's seen alleged gang members practicing shooting; he's helped investigate violent assaults and even stumbled upon "the mother of all meth labs." This was a property where people were exchanging cars, bicycles, generators and other stolen items for drugs.

Over the years he's also had several people threaten to kill him.

Wyrsh said he joined the Forest Service because he wanted to be a cop. He now believes working in the woods can at times be more dangerous than patrolling a city.

"It's probably one of the most unique styles of law enforcement there is," he said. "Safety is kind of on us. Backup is 30 minutes to an hour away."

Many park rangers and forest officers say park visitors often chide them about carrying guns and don't see them as serious law-enforcement officers.

Jordan, who will regularly respond to such comments with a history lesson about the role of the park service, is convinced that the confusion stems from the fact that their khaki uniforms look a lot like the ones worn by civilian park guides.

"They [visitors] view me as some sort of benevolent park employee or a Smokey the Bear," Jordan said.

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http://www.npca.org/media_center/fact_sheets/security.html

Perilous Parkland: Homeland Security and the National Parks

The National Parks Conservation Association

March 4, 2007

Protecting national parks such as the Grand Canyon, Gettysburg, and the Statue of Liberty for future generations has been the #1 priority of the National Park Service since its inception. This stewardship has gone hand-in-hand with interpretation, as the agency seeks to accommodate, inspire, and educate nearly 300 million visitors annually.

But 2001 forced the agency to consider the protection and interpretation of many of its sites differently. When the Department of Homeland Security tightened control over some areas of the border, less-protected landscapes such as the national parks suddenly became popular ports of entry for drug smugglers (Department of the Interior agencies manage 39 percent of the southern border; in particular, the Park Service manages seven border parks).

Arizona's Organ Pipe Cactus National Monument, in particular, has become a well-known hot spot for illegal border entries, and Sequoia National Park in California has been targeted by Mexican drug cartels, which have relocated significant pot-growing operations to the park's wooded backcountry. Over the past year, rangers have seized illegal drugs at several parks, including Coronado National Monument in Arizona, and Padre Island National Seashore and Amistad National Recreation Area in Texas.

The Department of Homeland Security (DHS) identified other sites within the park system as potential terrorist targets for their symbolic value, forcing the Park Service to reallocate existing resources to beef up security at places like Mount Rushmore, the Washington Monument, and the St. Louis Arch. When rangers from parks such as Rocky Mountain and Shenandoah are sent to guard the Statue of Liberty during times of heightened security, dams, and porous international park borders, their positions remain unfilled.

These unfunded homeland security demands, which the Director has testified exceed \$43 million annually, have strained the Park Service's budget, put national park resources and staff at risk, and affected the experiences of visitors in many parks.

Risking National Park Resources & Staff

Increasing illegal activities in national parklands along the U.S. border put park resources, and park staff, at risk.

Organ Pipe Cactus National Monument in Arizona is on the front line. Over the last 2 years, park rangers have arrested and indicted 385 felony smugglers, seized 40,000 lbs. of marijuana, and intercepted 3,800 illegal aliens. The Border Patrol estimated that 500 people per day (180,000 per year) and 700,000 pounds of drugs entered the U.S. illegally through the monument in the year 2000.

This workload takes a significant toll on the park and its staff. Ranger turnover is 25 percent, and the 330,000-acre park is functioning with only 11 rangers; their law enforcement needs assessment indicated the park should have 21 full-time rangers. Organ Pipe Cactus's law enforcement rangers are under constant surveillance by the drug cartels, which even know when each ranger is home or not—putting the rangers and their families at risk.

While Border Control capacity has been increasing nearby, this DHS agency is still not always available to patrol the park. On such occasions, the park must decide whether to provide escorts to park researchers and other scientists, or pursue smugglers crossing the border. Consequently, park science and research is held up when there are not enough law enforcement rangers available to escort researchers.

NPCA's analysis of the current law enforcement staffing levels in national park sites located on or near the southern U.S. border reveals a deficit of 31 law enforcement FTEs when compared to the law enforcement assessments that the agency itself completed. Parks affected include Amistad National Recreation Area, Big Bend National Park, Coronado National Memorial, Organ Pipe Cactus National Monument, Padre Island National Seashore, and Palo Alto Battlefield National Historic Site.

In addition to juggling other needs, park staff also works to mitigate the damage caused by aggressive Border Control agents driving over the fragile desert parklands. At Organ Pipe Cactus, this is especially difficult, as most of the park is a designated wilderness area with limits on motorized access.

Degrading the Experiences of Visitors

As homeland security needs have increased, many park managers have had to reallocate existing resources to law enforcement to the detriment of other park programs such as interpretation and maintenance.

In 2000, Organ Pipe Cactus, for example, had 31 full-time equivalent employees (FTEs); it now has 39. But over the same six years, the Maintenance Division has lost 3 FTEs; Interpretation (public education) lost 3 seasonal interpreters; and the Natural Resources team lost one position. This has had a significant impact on the park's ability to protect park resources and serve and inspire more than 280,000 visitors annually. For example, in the past restrooms were cleaned daily. Now, restrooms are cleaned once a week during the busy season, and only once a month in the slower season.

NPCA's March 2006 assessment of Catoctin Mountain Park in Maryland indicates that an increase in unfunded homeland security and law enforcement duties has strained the park's ability to protect its cultural treasures and ensure that visitors have an opportunity to enjoy ranger-led educational programs.

Catoctin park staff often work double-duty, conducting interpretive or resource protection activities while also performing law enforcement duties. For example, the park's museum curator also has law enforcement duties, which limits the amount of time that can be spent cataloging the park's important museum collection. Historic letters exchanged during the New Deal period, photographs of presidential visits, and artifacts used for charcoaling during the period of rural industry and agriculture are not yet cataloged for park visitors to enjoy.

Homeland security requirements have also changed the way visitors experience some national parks. Visitors to the Statue of Liberty for instance, go through a screening process more elaborate than most airports. At the St. Louis Arch, the first ranger a visitor might encounter isn't there to tell them the inspiring story of Louis and Clark, but is instead standing guard, solemnly carrying a large weapon. **At Organ Pipe Cactus, visitors can't even access some parts of the park and certain roads and trails because they are unsafe.** Security concerns have also affected the way visitors experience the monuments on the National Mall in Washington, D.C. Access is limited, parking is restricted, and scenic vistas are interrupted by security barriers and construction fences.

An Unfunded Mandate

National Park Service Director Fran Mainella testified before Congress in May 2005 that the parks' unfunded homeland security costs total \$43 million annually, but NPCA estimates that the overall cost is likely much higher. For instance, security upgrades at Independence Hall National Historical Park in Philadelphia alone are estimated to cost the park \$5 million. A 30-mile-long

vehicle barrier at Organ Pipe Cactus cost approximately \$14 million to build, but the Park Service doesn't have enough money to maintain it, which park staff fear may lead to breaches.

At Coronado National Monument, located on Arizona's border with Mexico, increased costs have largely resulted from doubling the size of their ranger force from 2 to 5, and funding overtime pay for rangers, who must now work in teams of two for safety purposes. This has thrown off the budget balance in the park, as funding is pulled in part from other park programs.

The Public's Position

According to a March 2006 poll of 1,007 likely voters by Zogby International, 75 percent of respondents say they support the Park Service being reimbursed for homeland and border security activities the agency has to conduct.

NPCA's Position

The Park Service's already-limited capacity is further eroded by the demands of homeland security. Funding for law enforcement personnel and equipment in most parks is included as part of the operating budget, which research has shown to be short by more than \$600 million annually. Congress and the administration should increase funding to the parks' operating budget, and make the parks eligible for reimbursement funding from the Department of Homeland Security.

For More Information

For more information about homeland security in the national parks, please contact NPCA Vice President for Government Affairs Craig Obey at 202-223-6722, ext. 234.

Violent crime rare on public land
Rocky Mountain News
June 29, 2007 Friday
SECTION: NEWS; Pg. 4NEWS
By Tillie Fong, Rocky Mountain News

National parks and forests in Colorado are generally safe, with few violent crimes occurring there, according to local sheriff offices.

"We have a lot of trespass, illegal campfires, transients, illegal camping, minor vandalism," said Lt. Phil West of the Boulder County Sheriff's Office, referring to crimes committed on public lands. "The most significant events we are involved in are rescues of lost skiers, fallen climbers, and so forth. It (violent crime) is not a major issue."

The slaying of a Colorado Geological Survey intern in a remote part of San Isabel National Forest on Tuesday was considered unusual.

"These crimes on our public lands and forest lands are very rare," said Janelle Smith, spokeswoman for the regional office of the U.S. Forest Service in Denver. "That is what makes this crime so shocking - you think you are safe. That's why it's a terrible tragedy."

However, that doesn't mean that violent crime doesn't occur. Eagle County had two cases of homicide on public lands in the past five years, including one still unsolved.

But getting hard data on how much violent crime occurs on national parks and forests is not easy.

For one thing, the U.S. Forest Service doesn't track that kind of information.

"We are not the lead agency when it comes to those types of crime," Smith said. "We track crimes against resources, such as damaging forest service property. Serious crime against people would be referred to local law enforcement."

The National Park Service does track violent crime but does not break down numbers by state or park. Instead, it compiles statistics on criminal offenses for all the national parks in the country.

Last year, there were 11 homicides, 35 rape cases, 61 robberies, 16 kidnappings, 261 aggravated assaults and 320 other assaults out of a total of 116,588 offenses in national parks.

LOAD-DATE: June 29, 2007

<http://www.fs.fed.us/r5/stanislaus/law/firearms.shtml>

Law Enforcement

Firearms Use



Please obey firearms laws, practice common sense gun safety and respect other forest visitors' rights to enjoy the Stanislaus National Forest. Violation of regulations can result in fines up to \$5,000 and 6 months imprisonment. Check with the local Sheriff or [Ranger Station](#) for current laws that affect firearms possession and use on the National Forest. Report any unsafe firearms use to the County Sheriff or Ranger Station.

Practice **safe firearms use** while on the Stanislaus National Forest:

- Stay more than 150 yards from any campground, building or other occupied area before shooting.
- Aim away from other people, campsites, campgrounds, houses or other buildings.
- Ensure that animals, plants and other forest resources will not be injured or damaged.
- Trees, signs, glass bottles, and clay pigeons are never appropriate targets.
- Have a solid dirt backstop; see the entire path of your bullet; ensure that no objects that could cause a ricochet are within your line of fire.
- Be off roads and trails when you shoot, and aim away from lakes, ponds and streams.
- Retrieve all shell casings and targets before leaving.
- While the Stanislaus National Forest does not have any area set aside for target shooting, some Forest visitors have found that certain areas are more desirable for firearms use than others. Contact the nearest [Ranger Station](#) for information on such places.

<http://www.foxnews.com/story/0,2933,319028,00.html>

VIOLENT BORDER SMUGGLERS SCARE U.S. SCIENTISTS

Sunday, December 30, 2007

Associate Press

PHOENIX — Biologist Karen Krebs used to study bats in Organ Pipe Cactus National Monument on the Arizona-Mexico border. Then, she got tired of dodging drug smugglers all night.

"I use night-vision goggles, and you could see them very clearly" — caravans of men with guns and huge backpacks full of drugs, trudging through the desert, Krebs said. After her 10th or 11th time hiding in bushes and behind rocks, she abandoned her research.

"I'm just not willing to risk my neck anymore," she said.

Across the southwestern U.S. border and in northern Mexico, scientists such as Krebs say their work is increasingly threatened by smugglers as tighter border security pushes trafficking into the most remote areas where botanists, zoologists and geologists do their research.

"In the last year, it's gotten much worse," said Jack Childs, who uses infrared cameras to study endangered jaguars in eastern Arizona. He loses one or two of the cameras every month to smugglers.

Scientists, especially those working on the Mexican side of the border, have long shared the wilderness with marijuana growers and immigrants trying to enter the United States illegally. But tension is rising because of crackdowns on smugglers by the Mexican military, increased vigilance in the Caribbean Sea, new border fences, air patrols, a buildup of U.S. Border Patrol agents and a turf war between cartels.

Smugglers are increasingly jealous of their smuggling routes and less tolerant of scientists poking around, researchers say.

Organ Pipe Cactus National Monument stopped granting most new research permits in January because of increasing smuggling activity. Scientists must sign a statement acknowledging that the National Park Service cannot guarantee their safety from "potentially dangerous persons entering the park from Mexico."

"It's a kind of arms race, and biologists are stuck in the middle," said Jim Malusa, who specializes in mapping desert vegetation. "There's been a chilling effect on researchers."

Scientists say things have gotten more uncomfortable since 2001, when the United States began fortifying its border after the Sept. 11 terrorist attacks. In 2006, the Border Patrol embarked on a hiring spree, with plans to raise its personnel from 12,000 to 18,000 by the end of 2008.

Smugglers have responded with violence. Assaults on Border Patrol agents are occurring at a record pace, with 250 attacks reported from Oct. 1 to Dec. 16, an increase of 38 percent over 2006.

As crossing the border gets more difficult, the fees that smugglers charge to guide illegal immigrants through the desert has doubled in recent years, to as much as \$3,000 per person, migrants say. At the same time, Mexico has been stepping up highway checkpoints and port inspections, forcing drug smugglers into the wilderness and onto remote beaches.

To avoid the checkpoints, Mexican drug cartels are moving their marijuana farms northward, from traditional growing areas in Michoacan, Nayarit and Guerrero states to more remote areas in Sonora and Sinaloa states, according to the U.S. government's 2008 National Drug Threat Assessment.

Marijuana smugglers, whose cargo is smellier and bulkier than cocaine, are increasingly abandoning the urban border ports of Texas and California in favor of the Arizona-Sonora corridor, the U.S. Drug Enforcement Administration says. U.S. authorities seized 616,534 pounds of marijuana in the Tucson Sector alone in 2006, up from 233,807 pounds in 2001.

Smugglers also are increasingly relying on boats moving through the Pacific Ocean, the U.S. Coast Guard said this month. The Coast Guard seized a record 356,000 pounds of cocaine this year, most of it in the Pacific.

Scientists, who once had the ocean and desert all to themselves, say they are increasingly rubbing elbows with bad guys.

"They used to take the easier routes through washes and old river beds, but now, they're moving into the rougher country," said Randy Gimblett, a University of Arizona professor who studies human impacts on ecology. "There's a lot at stake because there's a lot of money tied up in drugs. We're not confronting those folks, but we're seeing more of that activity."

There are no statistics on attacks or threats against scientists, said Mark Frankel, director of the scientific-freedom program at the American Association for the Advancement of Science. But among researchers, drug stories abound.

Michael Wilson, a botanist and director of research at the Drylands Institute in Tucson, said he avoids some parts of Mexico's Sonora state since seeing opium poppies, which are not native to Mexico, and mules carrying loads of marijuana down from the mountains. Opium resin is used to make heroin.

Wilson said he has noticed an increase of marijuana cultivation in recent years and more people watching over the fields. Some of his colleagues now carry guns, he said.

"There are a lot of researchers who have ducked out of doing research in Mexico," Wilson said. David Yetman, a social scientist and host of the PBS series "The Desert Speaks," said he had to stand in a marijuana field in eastern Sonora to get pictures during the filming of a 2004 segment on rural liquor-making. He hired off-duty policemen with automatic weapons to protect his film crew during a piece in southern Sonora, an area known for drug trafficking.

Richard Felger, another botanist, said he stays away from remote mountains in Sonora since being robbed and threatened on research trips.

"I got kind of allergic to pistols being held to my forehead," Felger said.

Gimblett, who relies on buried pressure sensors for his research on park users, said smugglers routinely cut his cables. Childs has tried leaving notes and pictures of saints — even Jesus Malverde, the unofficial saint of drug traffickers — to try to persuade smugglers to spare his jaguar cameras, but to no avail.

Huge swaths of northeastern Mexico are now off-limits to science, said Andres Burquez, a professor at the National Autonomous University of Mexico.

"(Residents) will say 'You can go to A, B and C place, but not D,'" Burquez said. "And it turns out that's the place that interests you most."

http://www.gazette.com/opinion/firearms_31930_article.html/parks_rules.html

Our View - Monday

Comments 5 | Recommend 0

THE GAZETTE

January 13, 2008 - 10:14PM

Pursuing safety

Half of Senate backs firearms in parks

Talk in political circles often centers on bipartisanship. If politicians want to portray a bill or program as something few would quibble with, they reach across the aisle and find at least a handful of supporters in the other party. Then they can say their proposal is bipartisan and the rest of us are supposed to go along. If bipartisanship effectively gets everyone on board, a proposal to change some rules in national parks shouldn't have any trouble.

Last week, 47 senators from both parties sent a letter to Interior Secretary Dick Kempthorne asking him to change rules that restrict firearms in national parks and lands managed by the U.S. Fish and Wildlife Service. The letter asks that Kempthorne rescind regulations put in place by Ronald Reagan's Interior Secretary James Watt that require park visitors to make firearms inaccessible during their visit. Some parks have even more restrictive rules and require firearms be inoperable and cased. (Title 36 of the Code of Federal Regulations has all the rules for parks. You can find the rules pertaining to firearms at www.access.gpo.gov/nara/cfr/waisidx_01/36cfrv1_01.html. Part 2 contains the pertinent rules on firearms in national parks.)

The senators' letter asks the rules be relaxed to allow visitors who are legally allowed to own firearms to be able to take them into parks and wildlife refuges and keep them accessible during their visits. The senators believe it's a matter of consistency in federal firearms regulations. Most other federal lands, such as national forests, allow visitors to carry firearms. "These inconsistencies in firearms regulations are confusing, burdensome and unnecessary," according to the letter.

The request, signed by Colorado Sen. Wayne Allard and 38 other GOP senators along with eight Democrats, is spot on. Government regulations should be consistent from agency to agency and should be no more intrusive or limiting than absolutely necessary.

Jerry Case, head of regulations and special park uses for the National Park Service, says the rules were adopted to address problems with park visitors shooting wildlife, either for sport or because they felt threatened. Banning accessible firearms to address that problem is typical of government's clumsy regulating. A better approach would have been to make it clear to visitors that shooting wildlife is illegal in all but the most extreme situations.

On a more basic level, current regulations ignore the reason many people carry firearms: personal protection. Requiring firearms to be inaccessible makes it impossible for a park visitor to defend his or her life and property on federal property. Is that a common problem in our national parks? Probably not. But there's a saying among gun rights activists that when you need a gun, you really need a gun. Having it in a case in the trunk of your car helps only if you're in the trunk with it.

"There's no reason to need a gun in a national park, and it would possibly lead to unfortunate accidents and other problems, so we'd rather not see them in the parks," said Laura Loomis, spokesperson for The National Parks Conservation Association, in an Associated Press story.

Loomis, and other supporters of the current regulations, likely worry that changing the rules will lead to more violence. That's the same argument anti-gunners have used for years since cities, counties and states have liberalized concealed carry laws. Those concerns have proven to be unfounded. **Armed law-abiding citizens aren't the source of violence, criminals are.**

She's right that firearms can lead to unfortunate accidents. So can myriad other things. Should we expect the government to restrict those things as well, or just the ones unpopular with a certain segment of society? And what "other problems"? Maybe that the mere sight of a firearm gets some people all atwitter? That's no reason to for the government's ham-fisted regulations.

In a free society, people should have the liberty to do what they wish without infringing on the legitimate rights of others. If they restrict others' rights, the state should step in to adjudicate justice. That's the way textbooks teach freedom. The senators simply want the Interior Department to hew a little closer to that ideal.

Forest killings are still rare, but crime is rising
The Seattle Times
July 13, 2006 Thursday
Jennifer Sullivan,

The Puget Sound region is blessed with an abundance of destinations where people can get close to nature and escape the urban environment. But even these places aren't immune from crime.

Steve Costie, executive director of The Mountaineers, said car break-ins at trailheads are common, and he has feared inadvertently encountering a clandestine methamphetamine lab while hiking in the woods.

The discovery this week of two women killed along a hiking trail off the Mountain Loop Highway in Snohomish County prompted Costie on Wednesday to advise people to consider hiking in groups.

"There has never been a crime issue like this," Costie, who has been an avid hiker for nearly 30 years, said of the slayings.

U.S. Forest Service Officer Mike Gardiner, who patrols the Mount Baker-Snoqualmie National Forest where the bodies were found, says he's never heard of another slaying in the sprawling forest. "This is a freak occurrence," Gardiner said. "The forest is a safe place."

In 1997, though, 52-year-old Alice Underdahl was killed while jogging on a remote stretch of the Cedar River Trail in Ravensdale, south of Maple Valley. Her killer, a convicted sex offender, later committed suicide.

In other areas of the country, crime in national forests has been on the rise.

Over the past decade, slayings have occurred in national forests in Maine, Oklahoma and just outside Yosemite National Park in California.

In 2003, two Texan campers were shot to death at the Ouachita National Forest in Oklahoma by a mentally ill former prison guard. Edward Fields Jr. pleaded guilty just before his trial was to begin and received the death penalty.

In 1996, the bodies of two Maine hikers were found bound and gagged, with their throats slit, along the Appalachian Trail in Shenandoah National Park. Serial killer Richard Marc Evonitz was linked to the slayings by genetic evidence, but he killed himself in 2002 before he could be questioned.

In one of the most infamous cases, Cary Stayner in 1999 killed three guests at a motel just outside Yosemite National Park. Later that year he killed a park guide. Stayner confessed to all four slayings and was sentenced to death.

Attacks, threats and lesser altercations involving Forest Service workers reached an all-time high last year, according to government documents obtained by a public-employees advocacy group.

According to the agency, 477 such reports occurred in 2005, compared with 88 logged a year earlier. The total in 2003 was 104; in 1995, it was 34.

Costie blames the increase in crime on urban expansion into areas close to the forest. "We always say never hike alone," Costie said. "This is a case where society has come up from our urban areas. ... The pristine backcountry is getting pretty close to our city life."

Jennifer Sullivan: 206-464-8294 or jensullivan@seattletimes.com

Information from Seattle Times news researcher Gene Balk and The Associated Press is included in this report.

Safety in the forest

Visitors to forest areas can help keep themselves safe by following these tips:

? Be alert and aware of your surroundings and other people in the area.

? Stand tall and walk confidently. Don't show fear.

? Trust your instincts. If you feel uncomfortable in a place or situation, leave right away and get help if necessary.

? Be observant of others and use discretion in acknowledging strangers.

? Avoid confrontations.

? Be respectful of your fellow outdoor enthusiasts. Always use good manners when interacting with others.

? Carry a cellphone if coverage is available.

? Know how to contact law enforcement or other assistance.

? Carry a noisemaker, such as a whistle or other protective device that you have been trained to use.

? Do not pick up hitchhikers.

? Never go anywhere alone. It is safer to be in pairs or a group.

Source: U.S. Department of Agriculture and the National Sheriffs' Association.

FS Congressional Liaison E-mail – 09/24/2007

Hendrik,

I spoke with our law enforcement division today on the conceal/carry questions that you asked. They informed me that conceal/carry laws on National Forests are guided by the state in which the federal land reside.

There is no policy that grants reciprocity from state to state and conceal/carry is state jurisdiction. However, in general, individuals are allowed to possess a properly permitted firearm on National Forest lands.

In terms of whether we have experienced conceal/carry claims as a problem on National Forests, the general answer is that we are not aware of this being a growing or stand out problem at this time. However, in order to have a more specific answer or describe trends we would need to survey our agents in the field.

I hope that this is helpful. Please call if you have any additional questions.

- Rick

Richard A. Cooksey
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BLM Congressional Liaison E-mail – 09/20/2007

You are correct - we have not noticed any particular problems in this area and we don't have any concerns.
- Craig

09/20/2007 09:26 AM
RE: BLM Firearm Regs

Thanks, Craig. Could you also mention how this arrangement is not causing problems (regarding conceal and carry)? Thanks.

Hendrik van der Vaart
202-228-5359

-----Original Message-----

From: Craig_Leff@blm.gov [mailto:Craig_Leff@blm.gov]
Sent: Thursday, September 20, 2007 9:23 AM
To: Van Der Vaart, Hendrik (Coburn)
Subject: BLM Firearm Regs

Hendrik -

The Bureau of Land Management does not have its own set of regulation with regard to concealing or carrying guns on public lands. Laws and regs pertaining to concealing and carrying firearms are within states jurisdiction and we only enforce them on public land if we have state authority by way of a local agreement. The BLM has some regulations on the use of firearms that pertain to specific areas, such as recreation sites and other areas that may be closed to shooting (but that does not make it illegal to possess a firearm in those areas).

I hope this helps. Let me know if you have any questions, Craig

~~~~~  
Craig Leff  
Division of Legislative Affairs &  
Correspondence  
cleff@blm.gov  
(202) 452-7726 - Phone  
(202) 452-0346 - FAX  
~~~~~

FWS Congressional Liaison E-mail – 01/18/2008

As you are aware, the FWS authorizes persons to carry, use, and possess firearms on units of the National Wildlife Refuge System under certain conditions as described in 50 CFR 27.42 (below).

We believe these regulations governing the transport and carrying of firearms on refuge lands are consistent with other federal land-owning agencies, especially considering their different missions. The mission of the National Wildlife Refuge System is to, "...administer a national network of lands and waters for the conservation, management and where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

President Theodore Roosevelt established the first national wildlife refuge by Executive Order on March 14, 1903, setting aside Pelican Island as a preserve and breeding ground for native birds. The first firearms regulations were implemented in the 1930s, primarily to combat poaching and illegal hunting. Today, the National Wildlife Refuge System remains the only national network of lands set aside expressly for wildlife conservation and management. Our firearms regulations are an important tool in conserving and managing that wildlife.

While visitors with State concealed weapon permits are not expressly premitted to carry their firearms, 50 CFR 27.42(d) outlines the conditions by which authorization may be obtained. We believe these existing regulations provide necessary and consistent enforcement parameters throughout the National Wildlife Refuge System.

If you have any additional questions, please let me know. Thanks,

- xxx

Top of Form

50 CFR 27.42

Only the following persons may possess, use, or transport firearms on national wildlife refuges in accordance with this section and applicable Federal and State law:

- (a) Persons using firearms for public hunting under the provisions of 50 CFR part 32.
- (b) Persons carrying unloaded firearms, that are dismantled or cased, in vehicles and boats over routes of travel designated under the provision of subchapter C.
- (c) Persons authorized to use firearms for the taking of specimens of wildlife for scientific purposes.
- (d) Persons authorized by special regulations or permits to possess or use firearms for the protection of property, for field trials, and other special purposes.

FWS Congressional Liaison E-mail – 01/23/2008

Poaching is a broad term that I am using synonymously with illegal hunting or fishing.

Because the primary mission of the National Wildlife Refuge System is wildlife conservation and management, we want to prevent poaching (i.e. illegal hunting or fishing). Poaching undermines successful conservation and management of wildlife species. Our firearms regulations are one tool in preventing poaching (i.e. illegal hunting or fishing).

There are FWS regulations for all hunting and fishing programs on all refuges that allow those activities. Usually they are based on State laws, but not always. These regulations are developed through the usual federal regulation process, i.e. with public input and notification. Yes, they are in the CFR - 50 CFR 32, I think.

Note that "poaching" is not the only reason we have firearms regulations. See for example 50 CFR 27.51. Disturbance of wildlife can also impact successful conservation and management.

- XXX

Environment News Service
September 1, 2004
<http://www.ens-newswire.com/ens/sep2004/2004-09-01-02.asp>

U.S. Rangers, Park Police Sustain Record Levels of Violence

WASHINGTON, DC, September 1, 2004 (ENS) - Attacks, threats, harassment against National Park Service rangers and U.S. Park Police officers reached a all-time high in 2003, according to agency records released Tuesday by an association of federal employees, keeper of the country's only database documenting violence against federal resource protection employees. At the same time, "scores" of park law enforcement personnel have been reassigned to desks, rangers say.

Public Employees for Environmental Responsibility (PEER) reports that National Park Service commissioned law enforcement officers were victims of assaults 106 times in 2003. More than one-quarter of these encounters resulted in injury to the officers.

This figure tops the 2002 total of 98 assaults but parallels the 2001 previous high of 104 violent incidents.

"Law enforcement officers in the National Park Service are 12 times more likely to be killed or injured as a result of an assault than FBI agents – a rate triple that of the next worst federal agency," said Randall Kendrick, executive director for the U.S. Park Rangers Lodge of the Fraternal Order of Police.

A midnight shift with only one ranger, a nuclear power plant threatened by terrorists, rangers sent out on patrol without dispatch, without backup, without even pepper spray - these are real situations that place the defenders of America's public lands in grave danger, the officers' association warns.

On their 2003 "Most Dangerous National Parks" list, released in June, the Fraternal Order of Police handed the Number One spot to Arizona's Organ Pipe Cactus National Monument for the third year in a row.

After the murder of 28 year old NPS Ranger Kris Eggle on August 9, 2002, the park service bolstered its force at the monument with tactical teams, since removed, and has failed to restore staff levels to previous levels, the officers' association reports.

Eggle was shot and killed in the line of duty at Organ Pipe Cactus National Monument, while pursuing members of a drug cartel hit squad who fled into the United States after committing a string of murders in Mexico.

"Despite Congressional hearings where tapes of hundreds of aliens marching through campgrounds at night were shown, and significant media attention garnered, the park is still swarming with potentially violent smugglers of drugs and illegal aliens, and possible threats to homeland security, said the Park Rangers Lodge of the Fraternal Order of Police in its description for the list.

Rangers estimate that at least 250 illegal aliens cross through the park each night.

At Devil's Postpile National Monument in California all the patrol rangers have been removed from the park. "There is no law enforcement presence in the park, and no agreements in place with neighboring law enforcement agencies. This is a complete violation of NPS policy and public trust, yet it has gone unchecked," according to the U.S. Park Rangers Lodge of the Fraternal Order of Police.

Florida's Biscayne National Park is especially dangerous, marked at Number Six on the list. The Fraternal Order of Police says, "Lots of drug smuggling, illegal fishing, and a nuclear power plant threatened by terrorists, mean danger for a ranger force that is small and getting smaller. While the Coast Guard never sends a boat out at Biscayne with fewer than four officers, the NPS sends its rangers out on the open ocean alone."

At the same time, PEER and the rangers say, the park service has taken officers off law enforcement and patrols, and moved them to desk jobs.

"Scores of Park Service law enforcement personnel," the officers' association says, have been "reassigned to operate a 24-hour "Watch Office" for the Department of Interior that has no dispatch responsibility and whose sole function is to keep Interior brass informed."

"The Park Service has failed to provide law enforcement personnel to prevent further violence," said Kendrick, "despite its own projections that an additional 700 rangers are required, the number of rangers is down nine percent."

Two parks, Yellowstone and Grand Teton, experienced a disproportionate number of incidents - 35 - the PEER database shows.

The District of Columbia was next most violent with 15 incidents, with three additional assaults in neighboring Maryland and Virginia.

Rangers in California had a small increase in violence, with 12 incidents. Other states, including Arizona, Nevada and Pennsylvania, also registered multiple attacks.

These figures are not available through the National Park Service, which PEER charges "is the only land management agency that refuses to track violence directed against its biologists, naturalists and non-commissioned rangers."

At the same time, an already chronically understaffed National Park Service law enforcement is increasingly unable to protect visitors, national icons and wildlife, according to representatives of both rangers and U.S. Park Police officers.

"Park police and rangers are being asked to do more for less by political appointees who appear tone deaf to the reality of the challenges," observed PEER executive director, attorney Jeff Ruch.

Ruch and PEER are representing U.S. Park Police Chief Teresa Chambers who is fighting her termination for giving an interview to a "Washington Post" reporter warning of the dangers posed by understaffing of the Capital District's parks to the visiting public and to the national icons, such as the Lincoln Memorial and the Washington Monument.

"A large part of the problem is that, in the Park Service, the law enforcement professionals are excluded from budget preparation and needs assessments."

New Homeland Security duties and what Ruch says are "significant diversions of resources ordered by its parent Interior Department," had added millions of dollars to the training cycle for new rangers while eliminating specialized ranger courses."

The Bush administration "has asked for only minor budgetary increases that are well short of its own internal estimates of need," say Kendrick and PEER.

Seven rangers attempt to hold the line on 85 miles of an international border between Texas and Mexico.

These rangers who patrol the Amistad National Recreation Area in Texas are at great risk, the Fraternal Order warned. Calling the area "another smugglers paradise," for drugs and aliens, the the officers association said that "with days off, it means that only one or two are on at any given hour of the day, and at night, the park is turned over to the smugglers."

"The few rangers are supported by an inoperable radio system that is so old that replacement parts are no longer manufactured," the officers said, but are encouraged by talk of more boats and a staff increase.

Number Three on the list is also in Texas - Big Bend National Park.

The Fraternal Order of Police Describes the Parks on its 2003 Most Dangerous National Parks List

3. Big Bend National Park (Texas): Imagine a place on the border where law enforcement is ordered by management to allow illegal aliens into the country, and to avoid the border area entirely if crime is suspected. Such is the story at Big Bend, where the park superintendent has chosen to confront crime by surrendering to it. The park has blatantly violated NPS orders to hire law enforcement staff before hiring other personnel, leaving the few remaining rangers understaffed, unsupported, and overwhelmed. Big Bend is a classic example of a preventable ranger death waiting to happen in the park with the largest boundary with Mexico.

4. Lake Mead National Recreation Area (Nevada/Arizona): Despite multiple congressional appropriations for 24-hour patrol coverage over the years, law enforcement goes home at night due to continued staff shortages, leaving the park for drunk drivers, drunk boaters, and Las Vegas-based gang members. The only National Park with its own armored car, Lake Mead has at least 17 fewer rangers than last year.

5. Coronado National Memorial (Arizona): A small park with a very big problem of drugs, smugglers, and a staff too small to make a difference. Each evening brings a parade of crime marching through the park. Drug networks collect intelligence on park operations to better gauge how to successfully infiltrate the country.

6. Biscayne National Park (Florida):

7. Shenandoah National Park (Virginia): With a radio system out of the 1950s, known as the worst radio system in the National Park Service, the understaffed ranger workforce is coping with a large number of armed poachers and encroaching suburban crime. The ranger staff has been cut in violation of NPS policy, without public outcry or repercussions from Washington.

8. Delaware Water Gap (New Jersey/Pennsylvania): Once one of the best law enforcement programs in the NPS, Delaware Water Gap now has half the rangers in the field it did in the mid-1990s. At night, only one or two rangers are on patrol. They've been instructed to avoid patrolling high crime areas. The park, within an easy drive of both the New York and Philadelphia metro areas, has a major highway through it, bringing in crime that is often ignored. Although visitation is heavy and crime flourishing, the rangers are on the defensive and losing ground.

9. Edison National Historic Site (West Orange, New Jersey): Troubles of the big city, from a soaring murder rate to gang activity, has this small park surrounded, and rangers outmanned and outgunned. Rangers are denied pepper spray, shotguns and rifles, and access to a dispatch, despite being assigned to work without backup in an area of growing urban crime.

Threatened by vandals and burglars, the park is closed to visitors, with Edison's irreplaceable treasures under siege behind a fence. Yet there is no 24-hour law enforcement presence, or even a burglar alarm to protect the historic artifacts, some made by the hands of Thomas Edison himself.

10. Yellowstone National Park (Wyoming): At the beginning of the 2003 season Yellowstone eliminated its entire seasonal law enforcement staff. This forced rangers into solo patrols on the roads, few patrols in the backcountry, and a dangerous lack of backup in a park with a growing incident load. Although the staff has been growing through the summer, it is still well below last year's level, and still in violation of NPS policy on staffing levels.

The 2003 list of Dangerous National Parks reflects the greater dangers facing NPS rangers in smaller, less-visited National Park areas such as Amistad National Recreation Area near Del Rio, Texas, and Coronado National Monument in Arizona. Small parks in isolated areas with minimal staff combating an invasion of drugs, smugglers, and violent criminals.

Crime on the southern border is not the only threat park rangers face.

Dishonorable Mentions - A First-Time Category

Mojave National Preserve (California): Three rangers attempt to protect 1.7 million acres of desert land against methamphetamine labs, a huge network of illegal off-road-vehicle trails, and commercial thieves looking for native American artifacts.

Bandelier National Monument (New Mexico): An internal NPS audit found the park in violation of most of the basic operating procedures demanded by NPS and Interior policy.

Padre Island National Seashore (Texas): Largely bypassed by the increased funding other border parks received, and handicapped by not having Customs or Border Patrol agents stationed in the park, Padre Island rangers fight a short-handed battle against drug smuggling and illegal aliens. More resources have been promised for the future, and are eagerly awaited by the overworked field staff.

Devil's Postpile National Monument (California): The park has been made totally safe for rangers and criminals alike, because all the patrol rangers have been removed from the park.

Grand Canyon National Park (Arizona): After an internal audit showed a program in great disarray, and few changes have been made. The park still violates basic principles of safe operations by running a midnight shift with only one ranger.

Jean Lafitte (Louisiana): Money designated for law enforcement is being directed to other projects, and the law enforcement staff has declined from eight rangers to two within 5 years.

These are classic examples of how, in the words of the Inspector General of the Interior Department, law enforcement in National Parks is in a "disquieting state of disorder."

In Following His Own Script, Webb May Test Senate's Limits
The Washington Post
November 29, 2006 Wednesday
SECTION: A Section; A01

At a recent White House reception for freshman members of Congress, Virginia's newest senator tried to avoid President Bush. Democrat James Webb declined to stand in a presidential receiving line or to have his picture taken with the man he had often criticized on the stump this fall. But it wasn't long before Bush found him.

"How's your boy?" Bush asked, referring to Webb's son, a Marine serving in Iraq.

"I'd like to get them out of Iraq, Mr. President," Webb responded, echoing a campaign theme.

"That's not what I asked you," Bush said. "How's your boy?"

"That's between me and my boy, Mr. President," Webb said coldly, ending the conversation on the State Floor of the East Wing of the White House.

Webb was narrowly elected to the U.S. Senate this month with a brash, unpolished style that helped win over independent voters in Virginia and earned him support from national party leaders. Now, his Democratic colleagues in the Senate are getting a close-up view of the former boxer, military officer and Republican who is joining their ranks.

If the exchange with Bush two weeks ago is any indication, Webb won't be a wallflower, especially when it comes to the war in Iraq. And he won't stick to a script drafted by top Democrats.

"I'm not particularly interested in having a picture of me and George W. Bush on my wall," Webb said in an interview yesterday in which he confirmed the exchange between him and Bush. "No offense to the institution of the presidency, and I'm certainly looking forward to working with him and his administration. [But] leaders do some symbolic things to try to convey who they are and what the message is."

In the days after the election, Webb's Democratic colleagues on Capitol Hill went out of their way to make nice with Bush and be seen by his side. House Speaker-elect Nancy Pelosi (D-Calif.) sat down for a lunch and photo opportunity with Bush, as did Democratic leaders in the Senate.

Not Webb, who said he tried to avoid a confrontation with Bush at the White House reception but did not shy away from one when the president approached.

The White House declined to discuss the encounter. "As a general matter, we do not comment on private receptions hosted by the president at the White House," said White House spokeswoman Dana M. Perino.

Webb said he has "strong ideas," but he also insisted that -- as a former Marine in Vietnam -- he knows how to work in a place such as the Senate, where being part of a team is important.

He plans to push for a new GI bill for soldiers who have served in the days since the Sept. 11, 2001, attacks, but not as a freshman senator. He has approached the Democratic leadership about getting senior legislators to sponsor the bill when the 110th Congress convenes in January.

A strong backer of gun rights, Webb may find himself at odds with many in his party. He expressed support during the campaign for a bill by his opponent, Sen. George Allen (R-Va.), that would allow concealed weapons in national parks. But an aide said this week that Webb will review Allen's legislation.

"There are going to be times when I've got some strong ideas, but I'm not looking to simply be a renegade," he said. "I think people in the Democratic Party leadership have already begun to understand that I know how to work inside a structure."

His party's leaders hope that he means it.

Top Democratic senators, including incoming Majority Leader Harry M. Reid (D-Nev.) and Charles E. Schumer (D-N.Y.), had invested their money and prestige in Webb before he won the party primary in June. His victory was also theirs, but now they have to make sure he's not a liability.

"He's not a typical politician. He really has deep convictions," said Schumer, who headed the Senate Democrats' campaign arm. "We saw this in the campaign. We would have disagreements. But when you made a persuasive argument, he would say, 'You're right.' I am truly not worried about it. He understands the need to be part of a team."

One senior Democratic staff member on Capitol Hill, who spoke on condition that he not be identified so he could speak freely about the new senator, said that Webb's lack of political polish was part of his charm as a candidate but could be a problem as a senator.

"I think he's going to be a total pain. He is going to do things his own way. That's a good thing and a bad thing," the staff member said. But he said that Webb's personality may be just what the Senate needs. "You need a little of everything. Some element of that personality is helpful."

Webb has started to put himself out front. On "Meet the Press" last week, he dispensed with the normal banter with host Tim Russert to talk seriously about Iraq and the need for economic justice in the United States.

He announced yesterday that he has hired Paul J. Reagan, a communications director for former governor Mark R. Warner (D) and a former chief of staff for U.S. Rep. James P. Moran Jr. (D-Va.). It will be Reagan's job to help his boss navigate the intricacies of Washington and Capitol Hill without losing the essence of his personality.

"The relationships he has built over his long career will serve me well," Webb said in a statement yesterday.

Virginia Gov. Timothy M. Kaine (D), who campaigned hard to get Webb elected, said yesterday that the first-time officeholder doesn't have the finesse of most experienced politicians.

"He is not a backslapper," Kaine said. "There are different models that succeed in politics. There's the hail-fellow-well-met model of backslapping. That's not his style."

But Kaine said that Webb's background, including a stint as Ronald Reagan's Navy secretary, will make him an important -- if unpredictable -- voice on the war in Iraq.

"There are no senators who have that everyday anxiety that he has as a dad with a youngster on the front lines. That gives him gravitas and credibility on this issue," Kaine said. "People in the Senate, I'm sure, will agree with him or disagree with him on issue to issue. But they won't doubt that he's coming at it from a real sense of duty."

Staff writer Peter Baker contributed to this report.

A Parting Shot From George Allen
The New York Times
November 22, 2006 Wednesday
SECTION: Section A; Column 1; Editorial Desk; Pg. 26

HEADLINE: A Parting Shot From George Allen

As a last little gift to America, Senator George Allen, who was narrowly defeated by James Webb this month, has introduced what may be his final piece of legislation: a bill that would allow the carrying of concealed weapons in national parks. The argument behind the bill is that national park regulations unfairly strip many Americans of a right they may enjoy outside the parks. The bill has passed to the Senate Committee on Energy and Natural Resources, where we hope it will die the miserable death it deserves.

America's confusion about the Second Amendment is now nearly total. An amendment that ensures a collective right to bear arms has been misread in one legislature after another -- often in the face of strong public disapproval -- as a law guaranteeing an individual's right to carry a weapon in public. And, in a perversion of monumental proportions, the battle to extend that right has largely succeeded in co-opting the language of the Civil Rights movement, so that depriving an American of the right to carry a gun in public sounds, to some, as offensive as stripping him of the right to vote. Senator Allen's bill is, of course, being cheered by the gun lobby, which sees it not as an assault on public safety but as a way of nationalizing the armed paranoia that the National Rifle Association and its cohorts stand for.

If Americans want to feel safer in their national parks, the proper solution is to increase park funding, which has decayed steadily since the Bush administration took office. To zealots who believe that the Second Amendment trumps all others, the parks are merely another badland, like schools and church parking lots, that could be cleaned up if the carrying of private weapons were allowed. The concealed-weapon advocates are doing an excellent job of sounding terrified by "lonely wilderness trails." But make no mistake. Senator Allen's bill would make no one safer. It can only endanger the public.

United States Senate

WASHINGTON, DC 20510

December 14, 2007

The Honorable Dirk Kempthorne
Secretary
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear Secretary Kempthorne:

We write today concerning a longstanding effort to have the National Park Service and the Fish and Wildlife Service remove their prohibitions on law-abiding citizens from transporting and carrying firearms on lands managed by these agencies. We appeal to you on this matter in the interest of Second Amendment rights and consistency in firearms policy across federal public land management agencies.

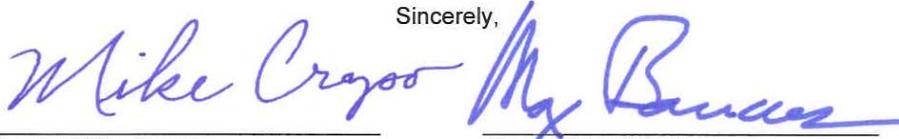
As you know, 36 CFR 2.4, applicable to the National Park Service, and 50 CFR 27.42, applicable to the Fish and Wildlife Service, prohibits individuals from possessing a firearm on lands managed by those agencies - even citizens with valid concealed weapons permits.

These regulations infringe on the rights of law-abiding gun owners, who wish to transport and carry firearms on or across these lands. Also, you will note that other federal land management agencies, such as the Bureau of Land Management and the Forest Service allow transporting and carrying of firearms on these lands in accordance with the laws of the host state. These inconsistencies in firearms regulations for public lands are confusing, burdensome, and unnecessary.

For these reasons, we support an exception to 36 CFR 2.4 and 50 CFR 27.42 to allow law-abiding citizens to transport and carry firearms consistent with state law where the National Park Service's sites and the National Wildlife Refuges are located. Such regulatory changes would respect the Second Amendment rights of law-abiding gun owners, while providing a consistent application of state weapons laws across all land ownership boundaries.

We appreciate the opportunity to share our concerns with you. Please treat this letter in conformance with all applicable procedural rules and ethical guidelines.

Sincerely,



Senator Mike Crapo

Senator Max Baucus

45 other Senators co-signed (Allard, Barrasso, Bennett, Brownback, Bunning, Chambliss, Coburn, Cochran, Coleman, Corker, Cornyn, Craig, DeMint, Dole, Domenici, Dorgan, Ensign, Enzi, Graham, Grassley, Gregg, Hagel, Hatch, Hutchison, Inhofe, Isakson, Johnson, Kyl, Lincoln, Lott, Martinez, McCain, Murkowski, Nelson (Ben), Pryor, Roberts, Shelby, Smith, Sessions, Stevens, Sununu, Tester, Thune, Vitter, Webb) Specter, Bond, Wicker, Feingold

Amendment 3968 – Prohibits federal commissions and studies created by this Act from having members with financial conflicts of interests, holding secret meetings and making recommendations that increase costs to taxpayers

Title III of S. 2483 requires six studies and authorizes four commissions.

This amendment would add accountability and transparency to these studies and commissions by requiring that:

- All recommendations produced by the studies and commissions shall (1) be cost neutral; or (2) result in a net reduction of costs to the Federal government. Cost neutral means that there are no net increases or decreases in Federal government spending.
- No person selected to serve as a member of a commission or as part of a study may have a financial conflict of interest related to the subject matter.
- All proceedings of the commissions and studies shall be open to the public and the minutes of the meetings shall be available in a searchable format on the internet.
- All studies and commissions shall sunset no later than 5 years after the enactment of this Act.

Federal Commissions and Studies Often Recommend Higher Costs to Taxpayers

Federal commissions and studies often serve useful purposes, such as assembling experts to examine complicated and important issues and making recommendations for policy makers.

Too frequently, however, federal commissions and study groups are created simply to recommend new government projects that increase costs to taxpayers.

A two-year study by the National Surface Transportation Policy and Revenue Study Commission released in January 2008 recommended that “federal gasoline taxes should be almost tripled over five years.”¹⁰²

A 2004 Institute of Medicine (IOM) study recommended increased government spending to make health care coverage universal in the United States. The IOM release stated “any plan to expand coverage likely will require additional public funding.”¹⁰³

The study panels and commissions contained within S. 2483 all appear to be intended to promote expanding government costs and responsibilities.

The special resource study relating to the First Battle of Newtonia in Missouri, for example, directs the study to “identify cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance.” Yet there is no requirement for the study to identify ways to pay for such expenses in a manner that does not increase costs to the government or the taxpayers. The study also seeks recommendations for adding battlefields to a National Battlefield, which obviously would add costs to the National Park Service for maintenance and possibly acquisition.

The commission to study the potential creation of a National Museum of the American Latino in Washington, DC, does require a fundraising plan to seek contributions. The federal government and taxpayers, however, would most likely be largely responsible for financing the costs of constructing, operating and maintaining the new museum. The bill authorizes \$3.2 million over a two year period for this commission. This money is authorized to be spent on travel expenses and a national conference.

¹⁰² “Transportation panel: Triple U.S. gasoline taxes,” Associated Press, January 16, 2008; <http://www.newsday.com/news/nationworld/ny-usgas165539626jan16.0.2347872.story>

¹⁰³ “IOM Report Calls for Universal Health Coverage by 2010; Offers Principles to Judge, Compare Proposed Solutions,” Institute of Medicine, January 14, 2004; <http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=10874>

Two other commissions in the bill—the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission— are each authorized \$1.5 million over a three year period. The commission is directed to coordinate efforts with the National Park Service, the National Endowment for the Humanities, the National Endowment for the Arts and the Smithsonian Institution. This obviously implies that these federal agencies should expend funds or resources on activities initiated by the commissions.

Taxpayers should not be forced to finance panels that essentially promote higher taxes and increased government costs.

This amendment will ensure that any recommendations of the studies and commissions contained within this bill do not result in increased costs to taxpayers.